

TOWN OF KENNEBUNKPORT, MAINE  
**Board of Selectmen Agenda**  
**March 11, 2021 @ 6:00 PM**  
**VIRTUAL MEETING VIA ZOOM (Instructions)**

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1. Call to Order.
2. Joint meeting with Budget Board for remaining fiscal year 2022 department operation budgets.
3. Approve the February 25, 2021 selectmen meeting minutes.
4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
5. Appoint Municipal Bureau of Motor Vehicle Agent.
6. Review suggested revisions to Short-Term Rental ordinance by town attorney.
7. Review suggested revisions to Animal Control Ordinance by town attorney.
8. Consider Dock Square Parking Lot fees for 2021.
9. Authorize Quitclaim Deed for Map 027, Block 001, Lot 001B.
10. Accept the following donations to the Carol Cook Garden:
  - \$5 from Michelle McGuire
  - \$5 from Alison Giggieri
  - \$5 from Mackenzie Hartung
  - \$5 from Kristin Graczyk
  - \$5 from Erin Higgins
  - \$5 from Meg Spencer
  - \$5 from Michelle Fleagle
11. Other Business.
12. Approve the March 11, 2021, Treasurer's Warrant.
13. Adjournment.

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# AGENDA ITEM DIVIDER

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# BOARD OF SELECTMEN AND BUDGET BOARD

## Budget Review Agenda

March 11, 2021

6:00 PM

### *PROPOSED ORDER OF REVIEW*

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Solid Waste – Mike	131
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**\*Capital budgets will be reviewed at the March 18<sup>th</sup> meeting along with outside agencies and town committees' budgets.**

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# AGENDA ITEM DIVIDER

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Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
February 25, 2021  
6:00 PM

**MINUTES**

**Selectmen attending via Zoom:** Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, and D. Michael Weston.

**Others attending via Zoom:** Laurie Smith, Tracey O'Roak, David Powell, Alison Kenneway, Dr. Peter Tilney, Mike Claus, Chris Simeoni, John Everett, Craig Sanford, Werner Gilliam, and others.

**1. Call to Order.**

Selectman Daggett called the meeting to order at 6:00 PM. He took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, and D. Michael Weston. Absent: Edward Hutchins.

**2. Approve the February 11, 2021 selectmen meeting minutes.**

**Motion** by Selectman Briggs seconded by Selectman Matthews-Bull to approve the February 11, 2021 selectmen meeting minutes. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)**

Tracy McGovern, 13 Norwood Lane, spoke regarding proposed changes to the dog ordinance. While she supports protecting the endangered species, she voiced concern regarding the shortened off-leash time on the beach during off season.

**4. Consider the renewal liquor license and special amusement permit submitted by Boughton Hotel Corp. d/b/a The Colony Hotel, 140 Ocean Avenue.**

**Motion** by Selectman Matthews-Bull seconded by Selectman Briggs to approve the liquor license and special amusement permit submitted by Boughton Hotel Corp. d/b/a The Colony Hotel. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**5. Consider the renewal liquor license and special amusement permit submitted by The Ramp Grill, LLC d/b/a Pier 77 Restaurant, 77 Pier Road.**

**Motion** by Selectman Matthews-Bull seconded by Selectman Briggs to approve the liquor license and special amusement permit submitted by The Ramp Grill, LLC d/b/a Pier 77 Restaurant. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**6. Consider the renewal liquor license submitted by Nunan's Lobster Hut, Inc., 9 Mills Road.**

**Motion** by Selectman Matthews-Bull seconded by Selectman Briggs to approve the liquor license submitted by Nunan's Lobster Hut. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**7. Consider the renewal liquor license and special amusement permit submitted by Alisson's Dock Square Ltd. d/b/a Alisson's Restaurant, 11 Dock Square.**

**Motion** by Selectman Matthews-Bull seconded by Selectman Briggs to approve the liquor license and special amusement permit submitted by The Ramp Grill, LLC d/b/a Pier 77 Restaurant. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**8. Appoint Dr. Tilney as Town Doctor.**

Public Health Officer, Alison Kenneway, introduced Dr. Peter Tilney and gave some background on the decision to appoint a Town Doctor. The Town has been without a town doctor for several years. During the pandemic, our Public Health Office has been diligently addressing multiple needs in the community. A town physician would assist the Public Health Office with the opportunity to serve the citizens in the future. Dr. Tilney is a Kennebunkport resident and currently serves as the advising physician to Kennebunkport Emergency Medical Services (KEMS) and LifeFlight of Maine. His wife is also a member of the Recreation Committee. Dr. Tilney began his association with KEMS at 16-years old when he became a member. He will not be seeing patients or prescribing medications but rather advising the Public Health Office on responses to public health emergencies.

**Motion** by Selectman Briggs, seconded by Selectman Weston to appoint Dr. Tilney as the Town Doctor. **Roll Call Vote:** Briggs, Weston, Matthews-Bull and Daggett. **Voted:** 4-0. **Motion passed.**

**9. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Weston to approve the recommended restrictions on vehicle weight limits on certain roads from March 1<sup>st</sup> to at least April 12<sup>th</sup>. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**10. Award the FY21 Salt bids.**

Public Works Director, Michael Claus, recommended that the Board award the salt bid to Eastern Salt Co. with the lowest bid of \$53.33 per ton.

**Motion** by Selectman Weston seconded by Selectman Matthews-Bull to award the FY21 salt bid to Eastern Salt Co. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**11. Discussion of Wastewater Capital Bonding.**

Town Manager, Laurie Smith gave the background on this project. The Wastewater department previously brought forward their recommendations on capital investment, which included the rehabilitation of both clarifiers, the replacement of two filter presses, and three pump station replacements. The Board authorized up to \$300,000 in reserve funds for engineering services and the recommendation of a \$5.0 million bond to be brought before the voters in June 2021. Because manufacturing and construction prices have continued to increase in the COVID economy, it is estimated that \$5.0 million will no longer be enough to cover these projects.

Deputy Public Works Director, Chris Simeoni advised that in November they put out requests for proposals for engineering contracts for the design. They chose Woodard and Curran for the pump station at a cost of \$143,000. Wright Pierce came back a proposal for the dewatering equipment of \$193,600 which exceeded cost expectations based on the scope of work proposed. They are still trying to negotiate that fee.

In order to do the work in a timely manner and try to stabilize costs, staff would like to move forward, however, a town meeting vote is required. They would like to start the bid process before getting approval from the voters with the understanding that any contracts would be contingent upon that. By doing so, they can schedule the work now for times in the future when there are anticipated down times.

**Motion** by Selectman Weston, seconded by Selectman Matthews-Bull to authorize an additional 33,600 from the reserve fund. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

## **12. Discussion of Radio Tower Project.**

Fire Chief Everett and Police Chief Sanford gave a presentation on the current failing infrastructure and the options available to upgrade. The Town is currently experiencing major gaps in radio service between public safety personnel and the communications center. In many parts of town, including Ocean Avenue, Dock Square, and Goose Rocks Beach, police officers and firefighters cannot communicate back to dispatch. The plan includes the addition of two radio towers (one at wastewater and one at GRB fire station) as well as the replacement of all aging radio infrastructure and equipment. One year ago, the estimated cost was \$1.3 million. While preparing the FY 22 budget, updated figures were requested for the radio equipment. The new budgetary figure showed an 8% increase in one year, or \$109,000. Meanwhile, the radio traffic continues to get worse and concerns about the safety of personnel increases.

One option is to install the two new towers first, hopefully increasing coverage, and then wait on the radio replacements. The addition of two new towers is estimated to cost \$350,000 and it is projected to slightly increase communication. The other option would be to borrow the funds and undertake the entire project at once. There is currently \$250,000 with an additional proposed \$250,000 in the FY 22 budget. That leaves a \$1.0 million shortfall, which would need to be borrowed for a 5- or 10-year period.

It was agreed by the Board to put this on the June Warrant.

**Motion** by Selectman Weston, seconded by Selectman Briggs to accept the proposal for a 5-year bond. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

## **13. Consider Fire Chief's request to return a Kittridge purchased truck back to Atlantic Volunteer Engine Company.**

Fire Chief Everett advised that there was an equipment failure on the Cape Porpoise Ladder truck, which is 32 years old. The truck is not on the capital plan. It was never intended to be replaced. Engine 13 (pumper) out of Port Village has been moved to Cape Porpoise for coverage. In future capital planning, the strategy has been to reduce the number of stations and pieces of equipment as we move to paid per diem staff. The truck needs a new hydraulic pump, and the repairs are estimated to cost around \$5,000. Since the truck is not worth \$5,000, Chief Everett recommended retiring the vehicle and giving it back to the Atlantic Fire Company with the understanding that any proceeds go into the Kittredge investment account. This would need to be voted on at town meeting.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs to return the Kittredge purchased truck back to the Atlantic Volunteer Engine Company with the understanding that the proceeds go into the Kittredge investment account. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**



#### 14. Discussion of Short-Term Rental Ordinance.

Town Manager, Laurie Smith, reviewed changes made from the last draft based on the public comment session. Four amendments have been made to the previous draft.

- *D(3) Advertising* – a sentence was added to clarify that if you have a short term rental license you can advertise for upcoming years without being in violation of the ordinance.
- *E(5) Transitional provisions* – instead of [DATE] it now states that the application must be submitted by the advertised date.
- *G(3)* – the building evacuation plan was removed from the requirements.
- *J Penalties* – It now states in the event the Owner or Owner's Short term rental guests, instead of Owner's guests.

Ms. Smith opened a discussion regarding fees with the Board. Public comment was opened on the proposed fees. The following spoke: Sharon McCabe.

#### 15. Discussion of local business operations for summer 2021.

Town Manager, Laurie Smith advised that she has been receiving inquiries from multiple businesses regarding business operations for this coming summer. Some questions include the use of tents and property uses. The Selectmen's authority allows these types of activities to occur only when there is a state of civil emergency. The question is, will the Governor's state of civil emergency continue throughout the entire summer? Even though the tent ordinance now allows tents from Memorial Day weekend through Labor Day plus an additional 30 days, businesses want permission for tents from April through Columbus Day in October which exceeds the allowance of the new tent ordinance.

Taylor Benenti spoke about his hopes for this summer's operations. He is looking for specific guidance for allowances of outdoor dining.

Ashley Paget spoke about Alisson's Restaurant. She voiced that her restaurant had a hard time last summer serving all the way across the parking lot. She is not sure that they would even use a tent for those reasons, but she is looking for guidance.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs to allow Alisson's and the Hurricane to have the same number of spaces in the Dock Square parking lot as they had last year and to be revisited by the Board on a monthly basis. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**Motion** by Selectman Weston, seconded by Selectman Briggs to authorize the Town to work with other businesses, as necessary, on operations for summer 2021. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**16. Consider KHHT's request for relief from building permit fees for Heritage Woods.**

Town Manager, Laurie Smith, advised that Kennebunkport Heritage Housing Trust is beginning the construction phase of their first affordable housing neighborhood – Heritage Woods. The subdivision includes three (3) two-story homes and three (3) one-story homes. The fee for the one-story would be \$2,450, while the two-story fee is \$3,225. KHHT is requesting that the building permit fees be waived on this project. The Board of Selectmen have waived the building permit fees for Habitat for Humanity in the past.

**Motion** by Selectman Weston, seconded by Selectman Matthews-Bull to waive the building permit fees for Heritage Woods. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**17. Authorize Quitclaim Deed for Map 020, Block 004, Lot 005.**

Town Manager, Laurie Smith advised that this property was foreclosed upon in January for non-payment of real estate taxes. At this point, all taxes, fees and interest have been paid by the bank.

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs to authorize a Quitclaim Deed for the above referenced property. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**18. Accept the following donations to the Carol Cook Garden:**

- \$50 from James & Sandra Burne
- \$250 from Spang Builders

**Motion** by Selectman Matthews-Bull seconded by Selectman Briggs to accept the above donations to the Carol Cook Garden. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**19. Other Business.**

No other business.

February 25, 2021 BOS Meeting Minutes

**20. Approve the February 25, 2021, Treasurer's Warrant.**

**Motion** by Selectman Weston, seconded by Selectman Matthews-Bull to approve the February 25, 2021 Treasurer's Warrant. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

**21. Adjournment.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Briggs to adjourn. **Roll Call Vote:** Briggs, Matthews-Bull, Weston, and Daggett. **Voted:** 4-0. **Motion passed.**

The meeting adjourned at 7:53 PM.

Submitted by,  
Tracey O'Roak  
Administrative Assistant

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# AGENDA ITEM DIVIDER

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03.04.21

## Kennebunkport Short-term Rental Ordinance

### A. Purpose:

The purpose of this ordinance is to require the disclosure and licensing of short-term rentals operated within the Town of Kennebunkport. Furthermore, this Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town. This will be accomplished by a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders, includes modest performance standards intended to protect property owners, renters, and neighbors along with limits to the numbers of short-term rentals within the community. Due to the historic nature and longstanding tradition of short-term rentals within the Goose Rocks Beach neighborhood, this limited area will not be subject to licensing limits; it will, however, still be subject to all other requirements in this ordinance.

### B. Applicability:

1. Permitted short-term Rentals. Legally existing residential dwelling units may be used as short-term rentals upon the issuance of a short-term rental license for the premises in accordance with the requirements of this Ordinance.
2. Prohibited short-term Rentals. No person may offer for rent, operate, or otherwise use any dwelling unit in the Town of Kennebunkport for short-term rentals if:
  - (a) Such person has not secured or maintained a valid short-term rental license for the premises; or
  - (b) The accommodations are an accessory apartment constructed or permitted after November 3, 2009, or a recreational vehicle, trailer or tent.
3. Lodging Establishments Exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this Ordinance: hotels, motels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

### C. Definitions:

**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 or text messages.

**Dwelling unit:** One or more rooms arranged for complete, independent housekeeping purposes with space for living and sleeping; space or facilities for

eating or cooking; and provisions for sanitation. For purposes of this regulation Recreational vehicles are not considered dwelling units.

Good Neighbor guidelines: A document prepared by the town that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental.

Goose Rocks Beach Neighborhood: (See the area defined on Exhibit A).

Owner: An individual person or persons or an entity that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

Residential rental accommodations: The permitted accessory use of no more than two bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner-occupied dwelling. Rooms rented may be for either short term or long-term rental to a roomer who may be unrelated to the owner or occupant of the unit. Individual rooms shall be rented no more than once per week. For purposes of this definition, a week shall be defined as Monday through Sunday.

Seasonal rental accommodation complex: a lodging business located on one parcel of land that makes a room, a group of rooms, and/or cottages available for a tenancy of less than 30 days on a seasonal basis.

Short-term rental: The use, control, management or operation of a legally existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by short-term rental guests for a tenancy of less than 30 consecutive days, for compensation, directly or indirectly, excluding motels, hotels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

Short-term rental guest: Any person who rents, licenses, occupies or has the right to occupy a dwelling unit for less than 30 consecutive days.

#### **D. General Requirements:**

**1. License Required:** No short-term rental shall be advertised, rented, or operated without first obtaining a short-term rental License. A short-term rental license shall be valid for the calendar year for which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.

a. Short-term rental license renewal. Short-term rental licenses shall expire on December 31st of each calendar year, and short-term rental license holders may

renew such license by submitting a renewal application, via a renewal process established by the Town. After the effective date of this Ordinance, any duly licensed short-term rental may continue operating as long as the license is current and renewed on or before the annual renewal deadline established by the Town. If the license is not renewed within the prescribed timeframe, the license expires, and this protection clause no longer applies. Any renewal application received after the advertised deadline for submission shall be considered late and deemed a new application.

b. The Board of Selectmen shall establish fees for the licensure of short-term rentals. Licensing fees for short-term rentals shall be assessed based upon the following criteria:

- i. Tier I: Short-term rentals with 0-3 bedrooms.
- ii. Tier II: Short-term rentals with 4+ bedrooms.

**2. Non-transferability.** Short-term rental licenses issued under this Ordinance shall not be transferable to a new Owner or location. Any Change of Ownership shall require a new license, except transfers of the real estate and related license in a Permitted Transfer. A "Permitted Transfer" is a transfer of the subject real estate and the related license to a Permitted Transferee. A "Permitted Transferee" includes (1) another current Owner of the subject real estate; (2) the spouse, child(ren) and/or grandchild(ren) of a current Owner; (3) a trust for the benefit of a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner; or (4) for estate planning purposes, a trust, limited liability company ("LLC"), corporation or other entity, as long as the beneficiaries of the trust or owners of the entity, as applicable, are a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner. In the case of a transfer to a Permitted Transferee, the Permitted Transferee shall become a "Licensee" and an "Owner", and the definition of "Permitted Transferee" shall apply to the new Licensee/Owner.

Licensees/Owners shall be required to certify that they comply with the provisions of this section annually and that they have not engaged in any transfers, or been transferees in any transfers, that are not Permitted Transfers. See Section F.3 herein.

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

**3. Advertising:** It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. Licensed short-term rentals in good standing may advertise for beyond the current licensing year. For the purposes of this section, the term "advertise" shall mean 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 included, but not

limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license, and all advertisements of the short-term rental must include the current short-term rental license number.

**4. Registration record:** The short-term rental owner must (a) maintain accurate, up-to-date records of all rental transactions involving the short-term rental, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the short-term rental owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

**5. Notice:** The short-term rental license holder must post in plain sight near the entrance to the short-term rental a notice that identifies the short-term rental license 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. Such notice may be posted in plain sight in the interior of the short-term rental. The short-term rental license holder shall also post the license provided by the Town.

#### **E. Review Procedure:**

##### **Issuance procedure:**

1. Application submission; completeness. short-term rental License applications shall be submitted to the Town Clerk. Applications for licenses for the upcoming calendar year may be submitted beginning in October of the previous license year. 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.

2. Application, License fee. The Town Clerk shall provide a short-term rental application to be completed by the applicant and submitted to the Town Clerk accompanied by the short-term rental license fee as established by the Board of Selectmen. The short-term rental application shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.

3. Town clerk authority. The Town clerk shall have the authority to issue a short-term rental license. The Town Clerk, or the Town Clerk's designee, shall determine if the application has been properly completed before any license is issued.

4. Inspection.

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 in section G, and with building code requirements.

The Code Enforcement Officer shall inspect the licensed premises once every five years, to determine compliance with the short-term standards in Section G.



5. Transitional Provisions for Licensing of Pre-Existing short-term Rentals. Persons or entities who operated a legally-existing residential dwelling unit as a short-term rental and who received reservations for short-term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain a Short-term rental license for said premises by submitting an application to the Town Clerk by the advertised date which application must contain 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 fourteen (14) total days in a calendar year in any one of the following years: 2019, 2020, or 2021.

Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous short-term rental use as required above, the Town Clerk shall issue a license for each such premises, without the need for a prior inspection of said premises by the Code Enforcement Officer or designee as is otherwise required in section E(4).

6. Issuance. If the Town Clerk, or the Town Clerk's designee, in consultation with the Code Enforcement Officer, determines that the proposed short-term rental application complies with the short-term rental Standards, the Town Clerk shall issue the applicant a short-term rental license in accordance with the limits established in Section I below.

#### **F. Submission Requirements:**

The short-term rental license application shall include the following information:

1. Location. The street address and map/ block/lot number of the short-term rental property.
2. Contact Person/Owner Responsibility. The name of the owner of the short-term rental property and contact information, including address and telephone number. If the owner is anything other than a natural person, then the following information must also be included: the name of each individual person who has an ownership interest in any entity that is the record owner, including, without limitation, all beneficiaries of any trust, and all members and shareholders of a limited liability company, corporation or other entity. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the short-term rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the short-term rental Ordinance provisions.
3. For renewal applications, Licensees/Owners shall be required to certify annually that they have not engaged in any transfers of the licensed premises, or been transferees in any transfers, that are not Permitted Transfers under Section D.2 of this Ordinance.
4. All information needed to demonstrate compliance with the standards listed below.

### **G. Standards:**

The Town Clerk shall issue a short-term rental license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, shall comply with the following building safety requirements.

a. Smoke Alarms: Smoke alarms shall be installed in the following locations:

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

b. Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom in the immediate vicinity of the bedrooms.

c. Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers.

2. The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms and fire extinguisher(s).

4. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

5. Parking. The applicant shall include a depiction designating parking spaces that will be provided for tenants and guests on the same lot where the short-term rental is located. Guest parking at the short-term rental shall occur in parking spaces designated by the applicant, and the number of guest vehicles allowed at the short-term rental shall be limited to the number of on-site parking spaces designated by the applicant. Garage parking spaces not allowed for tenant use shall not be used to meet the short-term rental parking requirement. Tenants and guests of short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

6. Good neighbor guidelines.

7. Occupancy limits.

The maximum tenant occupancy of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants total for the entire dwelling unit. By way of example, the maximum tenant capacity for a three-bedroom dwelling short-term rental is eight (8) tenants (i.e., 3 bedrooms multiplied by 2 tenants, plus an additional 2 tenants for a total of 8).

#### **H. Suspension and Revocation of License:**

A license for a short-term rental may be conditioned, suspended, or revoked by the Board of Selectmen after a public hearing if the Board of Selectmen determine that a violation of this ordinance, any applicable statute, ordinance, or regulation, or short-term rental license certification, condition, or criteria has occurred.

1. Violations of this Ordinance. Violations of this ordinance include, but are not limited to, the following:

- a. Providing false or misleading information on an application, or renewal application, for a short-term rental license;
- b. Failure to provide the registration records as provided in Section D(4) within 5 business days of a Town request for such records;
- c. Failure to comply with the parking provisions of Section G(5) of this Ordinance;
- d. Failure to comply with the rental occupancy limits of Section G(7) of this Ordinance;
- e. Failure to acquire and/or display the required short term rental license number or include the license number in any advertising of the licensed premises;
- f. Violation of any short-term rental license certification, condition, or criteria;
- g. Violation of any statute, ordinance, or regulation applicable to the short-term rental property.

2. Complaints Concerning short-term rentals. The Code Enforcement Officer shall establish and maintain a log of all complaints for each short-term rental received and substantiated by the Town. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the short-term rental license holder.

3. Suspension or Revocation of License. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the short-term rental license, the Code Enforcement Officer shall provide a report of the same to the Board of Selectmen for its consideration. The Board of Selectmen may condition, suspend, or revoke a short-term rental license, following a public hearing, on

the basis of the licensee's non-compliance with this ordinance, any applicable law, ordinance, or regulation, or short-term rental license certification, condition, or criteria.

4. Appeal. Any person aggrieved by the decision of the Board of Selectmen to suspend or revoke a short-term rental license may appeal the decision of the Board of Selectmen to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Selectmen's decision.

#### **I. Limitations on Annual Licenses for Short-term Rental Units:**

The Town Clerk shall issue short-term rental licenses on an annual basis. The total number of licenses issued in each calendar year shall be set annually by the Board of Selectmen. The limitation on the total number of licenses set by the Board of Selectmen shall first go into effect on January 1, 2023.

1. Formula. The total number of licenses issued in each calendar year shall be set by the Board of Selectmen annually according to a formula based in part upon a percentage of the total number of residential dwelling units in the Town of Kennebunkport.

2. Goose Rocks Beach Neighborhood. No short-term rental located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall be advertised, rented, or operated as a short-term rental without first obtaining a short-term rental license. Licensed short-term rentals located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall not be counted towards the total number of short-term rental licenses to be set annually by the Board of Selectmen under Section I.1 herein, and to be issued on an annual basis thereafter by the Town.

3. Effective Date. This Ordinance and all the licensing standards contained herein shall go into effect on January 1, 2022.

#### **J. Penalties for Violations; Enforcement**

In the event the Owner or Owner's short-term rental guests violate this Ordinance or the terms and conditions of the license, the Town, in addition to the suspension or revocation of the then-current license pursuant to Section H above, may also prohibit the Owner from licensing the dwelling unit for 12 months following the current licensing expiration date, after which the owner may submit a new application for licensure

Violations shall also be subject to fines and penalties as set forth in this section and in a penalty schedule established by the Board of Selectmen.

Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of Section H of this Ordinance.

The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to or

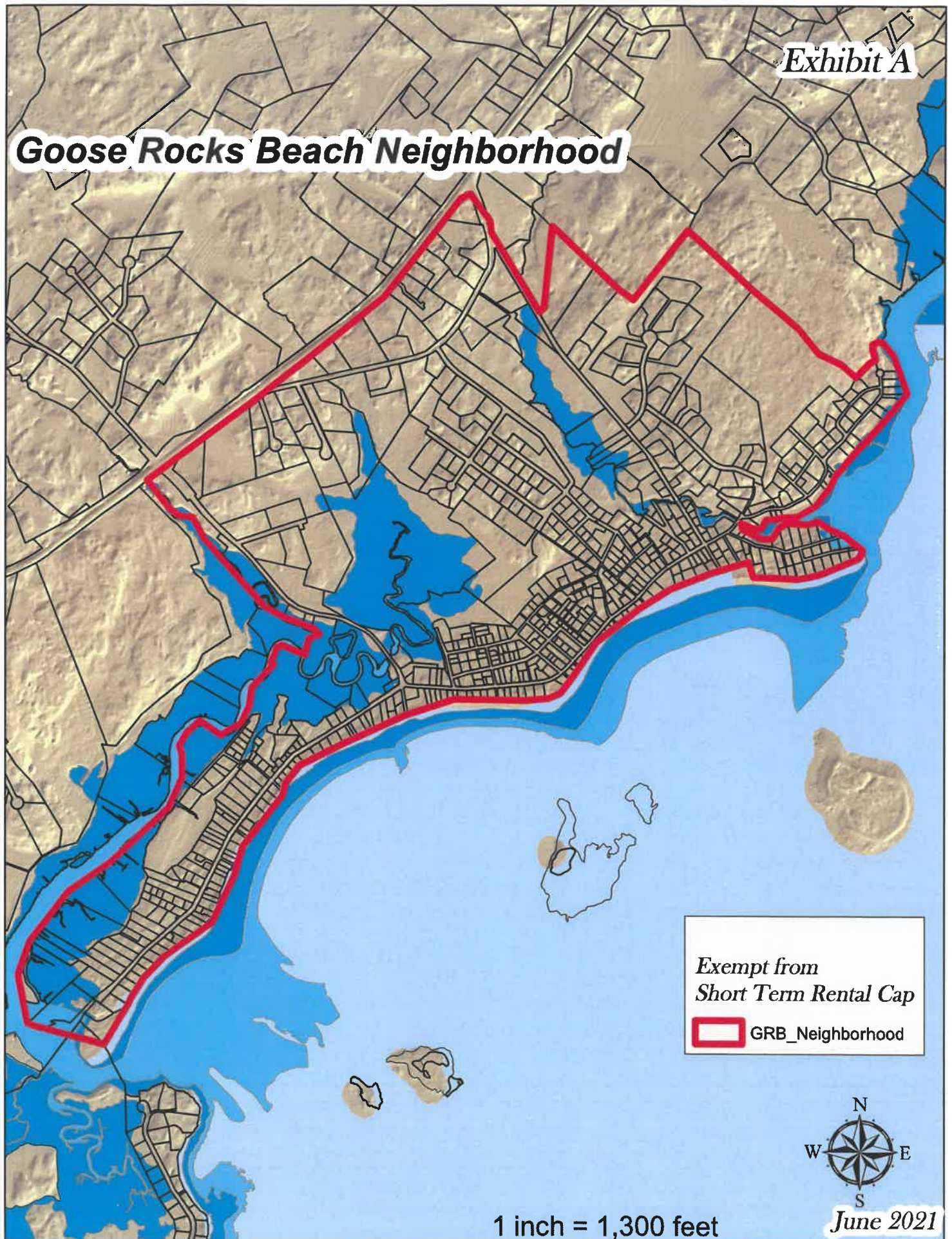
instead of fines/penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

**K. Additional Regulations**

The Board of Selectmen may adopt regulations implementing the provisions of this Ordinance.

DRAFT

**Goose Rocks Beach Neighborhood**



*Exempt from  
Short Term Rental Cap*

 GRB\_Neighborhood



1 inch = 1,300 feet

*June 2021*

# Town of Kennebunkport Good Neighbor Guide: A Guide for Guests in Short Term Rentals

**Welcome** to the Town of Kennebunkport. We hope you enjoy our beautiful community. Please remember the short-term rental home where you are staying is within a residential neighborhood. Not everyone in the neighborhood is on vacation, and some are required to rise early in the morning.

To ensure our residents' quiet and peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide." Please respect our residents and our town by following these guidelines.

Failure to comply may result in neighborhood property owners notifying local law enforcement. This may result in penalties for the renter and the property owner.

## **Beach Use**

The Town of Kennebunkport has public beaches for all to enjoy. If you are looking to visit Goose Rocks Beach please visit:  
<https://www.kennebunkportme.gov/goose-rocks-beach-advisory-committee/pages/helpful-and-fun-beach-information>

## **Events & Occupancy**

Large events such as family reunions and weddings can have a negative impact on residential neighborhoods due to parking and noise. Please check your vacation home's policies regarding events and day guests.

## **Parking**

In some areas street parking is limited. Please use your vacation home's off-street parking. Please engage in good neighbor practices by parking on your vacation home's property, being mindful not to block sidewalks, mailboxes, or driveways.

## **Noise**

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 10 p.m. Some residents may have to work in the morning and would appreciate a good night's sleep.

## **Garbage Pick-up**

Garbage shall not be left in public view except in proper containers. [\(Link to calendar\)](#) Emptied garbage bins should be returned to their storage location as soon as possible after pick up and shall not remain at the curb overnight.

## **Pets**

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets. When walking your dog, you are required to pick up and dispose of their waste. Please do not allow your pets to trespass on neighboring property. Pets should not be allowed to make loud and frequent noise that will disturb the peace and quiet of the neighborhood. Please note that pets are restricted at Goose Rocks Beach. [\(Link\)](#)

## **Town of Kennebunkport Emergency**

**Contact Information:** Emergency or Urgent Care – 911  
Emergency – 911  
Police (207)967-2454 (non-emergency)  
Town of Kennebunkport(207)967-4243

[www.kennebunkportme.gov](http://www.kennebunkportme.gov)

## **The address where you are staying**

is: \_\_\_\_\_

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# AGENDA ITEM DIVIDER

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Adopted at the Annual Town Meeting on June 9, 2015  
Amended November 3, 2015

## **ANIMAL CONTROL ORDINANCE**

### **Section A: Purpose**

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

### **Section B: Definitions**

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. **BEACH:** The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.
7. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
8. **LEASH:** Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. **LIMITED DOG ACCESS AREA:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated by the Board of Selectmen or designee for special protection of piping plovers or other endangered species based upon scientific and historical data, where dogs may be either prohibited entirely or permitted only if on-leash based on time of day and/or date, as

provided herein or pursuant to rules adopted hereunder. This designation may be seasonal or permanent.

10. **NESTING AREA:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
11. **OWNER:** Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
12. **RESPONSIBLE PARTY:** Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
13. **VOICE AND SIGHT CONTROL:** "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that the dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

### **Section C: Requirements for Control of Animals**

1. **AT LARGE DOGS:** It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance and/or Maine State Law, Title 7, Section 3911.
2. **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on roads and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.

3. **IMPOUNDMENT OR RETURN OF AT LARGE DOGS:** All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer or law enforcement officer.
4. **LICENSES:** No dog shall be kept within the limits of the Town of Kennebunkport unless such dog is licensed by the owner in accordance with Maine State Law.
5. **RABIES TAGS:** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the dog's collar and must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner.
6. **CONTROL OF ANIMAL WASTE:** An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property). Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

#### **Section D: Requirements for Dogs on Beaches**

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C or Section D(2) of this Ordinance. For example, the Board of Selectmen or designee may designate Limited Dog Access Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RESTRICTIONS ON BEACHES:** The following restrictions apply to dogs on the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
  - a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
  - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.

- ~~c. The West End Plover Protection Area at Goose Rocks Beach ("WEPPA"), which begins at Norwood Avenue and continues westerly to the Batson River, is designated a Limited Dog Access Area.~~
- ~~d. From April 1 to September 30, in the Limited Dog Access Areas, dogs must be on-leash at all times, except that from June 15 to September 30 between 8:30 am and 6:00 pm, no dogs are permitted on the beach (see Section 2 (i) below).~~
- ~~e.c. From April 1 to September 30, 2015, no dog shall approach or remain within 200 feet of any clearly marked Nesting Area, except that lawns or upland properties within 200 feet of a Nesting Area are excluded from this requirement. dogs may be on the beach at any time of day except as set forth in subsection (d) below but must be on leash at all times.~~
- ~~f.d. From April 1 to September 30, dog owners who live within 200 feet of a Nesting Area must leash their dog when attempting to access the beach and stay as far away as possible from the Nesting Area. From June 15 through Labor Day, dogs are not permitted on the beach from 9:00 AM to 5:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.~~
- ~~g. From April 1 to June 14<sup>th</sup>, dogs must be on-leash on the beach at all times other than between 6:00 am and 7:30 am, when they may be off-leash if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.~~
- ~~h. From June 15 to September 30, if under Voice and Sight Control, dogs may be off-leash on the beach between 6:00 am and 7:30 am, except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.~~
- ~~e. From June 15 to September 30, dogs are not permitted on the beach between 8:30 am and 6:00 pm. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability. Between 6:00 pm and 6:00 am and between 7:30 am and 8:30 am, dogs are permitted on the beach if on-leash, except to the extent the restriction in Section D(2)(e) or (f) above may require otherwise. Between 6:00 am and 7:30 am, dogs may be off-leash, if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) may require otherwise. From September 16 through March 31, if under voice and sight control, dogs may be off-leash on the beach, except for the hours of 12:00 PM to 6:00 PM when they must remain on-leash, and except to the extent the rules in Section D(2)(a) above may require otherwise.~~
- ~~i.f. At any time that a dog is permitted to be on the beach, the dog must be kept at least 200 feet away from a Nesting Area, except that lawns or upland~~

properties within 200 feet of a Nesting Area are excluded from this requirement.

- ~~j. From October 1 through March 31, if under Voice and Sight Control, dogs may be off-leash on the beach, except between 12:00 pm and 2:00 pm when they must remain on-leash.~~

## **Section E: Rulemaking Authority governing Other Public Resources**

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

## **Section F: Penalties**

1. Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:
  - First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.
  - Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.
  - Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.
2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

**Section G: Severability Clause**

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

**Barking Dog Ordinance**

Adopted at the Annual Town Meeting on March 10, 1984  
Amended June 18, 2005

The owner of a dog or dogs, or the person having control over a dog or dogs, which disturb the peace of any person by frequently and habitually barking, howling, or creating other noise shall be punished, on the first offense, by a fine of not more than \$50.00. The second offense within a six month period shall be punished by a fine of not more than \$100.00. The third offense within a one year period shall be punished by a fine of not more than \$500.00 and the Town may ask the Court to order that such dog or dogs be forthwith removed from Town. All costs incurred by the Town as a result of prosecution, including attorneys' fees, shall be recoverable from the owner or person having control of said dogs.