



TOWN OF KENNEBUNKPORT, MAINE  
~ INCORPORATED 1653 ~

Dt: July 31, 2024  
To: Town Staff  
Fr: Board of Selectmen  
Re: Short-Term Rental (STR) Ordinance Violation & Enforcement Policy

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As Short-Term Rental (STR) Licenses enter the third year of implementation, it is imperative to establish a set of guidelines for effective administration of short-term ordinance violations and enforcement as cited in [Chapter 129, Short Term Rentals Ordinance](#).

Below are a set of policy guidelines for the Code Enforcement Officers for the Town of Kennebunkport to enforce properties that violate and are non-compliant with provisions Chapter 129:

**Procedure of a Non-Registration Violations**

If, after investigation, the Code Enforcement Officer finds that a STR is being advertised for rent, or is being rented without a valid registration, written warning letter shall be given by certified mail, return receipt requested, of such violation to the property owner with corrective action within 10-days.

Failure of non-compliance within the timeframe mentioned above shall consist of a formal notice of violation issued by the Code Enforcement Officer given by certified mail, return receipt requested, of such violation to the property owner with corrective action within 7-days.

Failure to remedy within the prescribed deadline for compliance will result in subsequent second and third notice of violations per the adopted Penalty Fee Schedule adopted by the Board of Selectmen with 7-day corrective action for each.

Continued non-compliance after the third violation will result in a Code Enforcement Officer's report to the Board of Selectmen requesting legal action for enforcement.

## **Procedure for a License Violation**

The Code Enforcement Officer shall investigate all alleged violations and enforce the provisions of Chapter 129 and the terms and conditions of the registration.

1. If, after investigation, the Code Enforcement Officer finds that any provision of this chapter or any term or condition of any registration granted under this chapter is being violated, written warning letter shall be given by certified mail, return receipt requested, of such violation to the owner and to any other person responsible for such violation, indicating the nature of the violation and ordering that action necessary to correct it be taken within 10-days or a reasonable time as determined by the Code Enforcement Officer.
2. Failure of non-compliance within the timeframe mentioned above shall consist of a formal notice of violation issued by the Code Enforcement Officer given by certified mail, return receipt requested, of such violation to the property owner with corrective action within 7-days.
3. Failure to remedy within the prescribed deadline for compliance will result in subsequent second violation per the adopted Penalty Fee Schedule adopted by the Board of Selectmen with a 7-day deadline for corrective action.
4. Continued non-compliance after the second violation will result in a Code Enforcement Officer's report to the Board of Selectmen requesting a hearing to condition, revoke, or suspend the non-compliant owner/license holder. This action will result in the start of a third violation per the Penalty Fee Schedule.
  - a. The Code Enforcement Officer's report shall indicate the additional enforcement actions under consideration and whether the Town Attorney has been consulted or will subsequently be involved.
    - i. The Board of Selectmen shall hold a public hearing within 14 days of receiving the Code Enforcement Officer's report.
    - ii. Hearing notice shall be sent 7 days in advance of the hearing to the property owner of the STR license, on the Town's website and newspaper of general circulation.
  - b. Revocation of a license shall prohibit the property owner from applying for a STR registration for the property in violation for 12 months from when the licensed expired and all fees paid.
5. If a property has more than one case of violations within a 12-month period, the aggregate total of violation cases will expediate the progression of each subsequent violation after the warning letter issuance for corrective action.

### Penalty Schedule A

|   | 1 <sup>st</sup> Violation | 2 <sup>nd</sup> Violation | 3 <sup>rd</sup> Violation | 4 <sup>th</sup> Violation  |
|---|---------------------------|---------------------------|---------------------------|--|
| Fine for advertising a property for short-term rent (online or offline) without first having obtained a license or complying with local listing requirements  | \$200 per day             | \$400 per day             | \$650 per day             | Upon the fourth or subsequent violation in any 12-month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed. |
| Fine for violating any other requirements of Kennebunkport's short-term rental ordinance  | \$250 per day             | \$500 per day             | \$750 per day             |  |
| <p>Notes:</p> <ul style="list-style-type: none"> <li>a. Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all backowed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government.</li> <li>b. Any unpaid fine will be subject to interest<sup>1</sup> from the date on which the fine became due and payable to the local government until the date of payment.</li> <li>c. The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.</li> </ul> |                           |                           |                           |  |

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<sup>1</sup> Interest will accrue as determined by the State of Maine Delinquent Tax Rate Schedule per [Title 36, M.R.S.A. Section 505.4](#)