

**LICENSING PROCEDURE FOR HOTELS/MOTELS
WITH RENTAL ACCOMMODATIONS WITH COOKING FACILITIES**

1. PURPOSE OF ORDINANCE – The purpose of this ordinance is to establish a procedure and standards for the Town to annually license hotel/motel operations which choose to rent or lease transient rental accommodations with cooking facilities, as such accommodations are defined in Town of York Zoning Ordinance. The Town finds it in the public interest to license such hotel/motel operations for the reasons described below:

- 1.1 The Town finds it in the public interest to ensure all cooking facilities in hotel/motel accommodations comply with all health and safety codes established by the Town.
- 1.2 The Town finds it in the public interest to ensure hotel/motel accommodations are used as transient rental accommodations and not as dwelling units. Dwelling units place greater demands on Town services and hotels/motels are not subject to residential density standards which apply as a method to regulate the number of dwelling units on a parcel. The use of hotel/motel accommodations with cooking facilities as dwelling units could lead to a greater demand on Town services than such units were intended to create.
- 1.3 The Town finds that such license should be limited to those hotel/motel operations which chose to operate on a year-round basis and which are not closed more than 120 consecutive days during the period of July 1 – June 30 because such year-round operations have a greater likelihood of placing a greater demand on Town services. A hotel/motel which closes for more than 120 consecutive days is less likely to place a burden on Town services.

2. LICENSE REQUIRED

- 2.1 A license issued by the Town of York shall be required for each hotel/motel accommodation with cooking facilities in a hotel/motel operation which does not close for more than 120 consecutive days during the period of July 1 – June 30 annually. This license shall be required for any hotel/motel which currently rents or leases or starts to rent or lease accommodations with cooking facilities as such accommodations are defined by the Town zoning ordinance. The license shall be required only for the units which are defined as hotel/motel accommodations which have cooking facilities. A hotel/motel shall not be required to obtain a license for any accommodations without cooking facilities or any accommodations with cooking facilities but which closes such accommodations for more than 120 consecutive days during the period July 1 – June 30 annually.
- 2.2 No person, partnership, corporation, association or other entity may conduct, control, manage or operate for commercial purposes, directly or indirectly, any hotel/motel which rents or leases accommodations with cooking facilities unless reviewed and licensed as directed by this ordinance. Licenses must be displayed in a place readily visible to customers, Town of York officials or other persons using the licensed establishment.

- 2.3 Licenses are valid for one year, renewable annually on or before the date of expiration. No license will be assignable or transferable. No license shall be issued if the establishment is in violation of any pertinent Town ordinances or regulations.

3. REVIEW PROCEDURE

- 3.1 The Town of York Code Enforcement Officer, Fire Inspector, or any other appropriate town official shall have the right to enter and inspect the premises of any hotel/motel for which an application for license as a hotel/motel which rents or leases accommodations with cooking facilities has been completed and submitted to the Code Enforcement office. A new or amended license will be required when the hotel/motel operator establishes any additional accommodations with cooking facilities.

Inspections will be based on public health, safety and welfare performance requirements stated in the latest editions of the State of Maine Department of Human Services' RULES RELATING TO EATING AND LODGING PLACES, LIFE SAFETY 101, and the applicable zoning ordinances and Plumbing and Building codes adopted by the Town of York. Inspections will include but not be limited to fire safety, sanitation, water supply, septic systems and compliance with Town zoning ordinance requirements regarding the maximum length of stay by a person(s) in a hotel/motel with cooking facilities. The primary responsibility for fire safety under the Fire Safety Code (NFPA 101) shall be with the appropriate Fire Inspector.

- 3.2 No entry or inspection shall be made without permission and presence of the owner or the owner's designee. Entry and inspection shall be during normal business hours or at a reasonable time.
- 3.3 The Code Enforcement Officer shall have the right to inspect the hotel/motel operators' registry and record of departures which are required by State Law to determine compliance with the maximum length of stay provisions for a hotel/motel accommodation with cooking facilities which is established by Town zoning ordinances and this ordinance. Inspections shall be during business hours, or at reasonable times, and a review of such registry shall be made except in the presence of the owner or the owner's designee.
- 3.4 The Selectmen after holding a public hearing and reviewing all regulations applicable to the operation of a hotel/motel which rents or leases accommodations with cooking facilities shall issue a license, issue a license with conditions or deny a license. Renewals of licenses may be granted by the Selectmen without a public hearing. A hotel/motel which establishes new accommodations with cooking facilities shall be considered a new application.

4. MAXIMUM LENGTH OF STAY PROVISIONS

The maximum length of stay allowed in a hotel/motel accommodation with cooking facilities is no more than 90 days in any 120 consecutive day period. For purposes of this ordinance, the maximum length of stay shall be considered as a rental or lease of any accommodations with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons.

5. FEES

5.1 Each application for or renewal of a license to operate a hotel/motel with accommodations with cooking facilities shall be accompanied by a basic fee of \$50.00 regardless of the number of rooms with such cooking facilities. The fee shall increase by \$25.00 for each 10 or fraction thereof of accommodations with cooking facilities. Fees are to cover the cost of inspections and the cost of providing public notices involved with issuance of the license. No such fees may be refunded.

5.2 The Selectmen may increase the fee in 5.1 only after a duly posted public hearing. All hotels/motels which may be affected by the proposed increase shall be provided notification by surface mail of the public hearing mailed a minimum of 7 days in advance of such hearing. Any increase in the fee by action of the Selectmen may not exceed the increase in the Consumer Price Index (CPI) All City Index. For the purposes of determining the maximum fee increase the base year and month of the CPI shall be November, 1995.

6. NOTIFICATION REQUIREMENT OF HOTEL/MOTEL OPERATORS

A hotel/motel operator may not rent or lease an accommodation with cooking facilities for a period in excess of the maximum time periods established herein. A hotel/motel operator who rents or leases an accommodation with cooking facilities for greater than the maximum number of days established by this ordinance shall voluntarily report such occurrence to the Town Code Enforcement Officer within 30 days of such occurrence. A hotel/motel operator shall also file an annual statement as a condition of a renewal license that they have not within the last 12 months of operation offered an accommodation with cooking facilities for greater than the limits established by ordinance or identify all such occurrences of which such rental occurred.

7. PENALTIES

7.1 The first violation of the requirement to notify the Town shall be subject to a fine of \$100 and the Town shall be entitled to recover all costs involved with prosecution of such violation including expert witness fees and reasonable attorneys fees.

7.2 The second violation of the requirement to notify the Town shall be subject to a fine of \$500 and suspension of a license to operate all accommodations with cooking facilities in that hotel/motel establishment of a period of one calendar year (365 days) from the date the violation is cited by the Town. Such penalty applies to a second violation which occurs within 2 calendar years of first violation.

- 7.3 The first violation of renting or leasing a hotel/motel accommodation with cooking facilities for greater than the maximum length of stay established by this ordinance shall be subject to a fine of \$100 and the Town shall be entitled to recover all costs involved with prosecution of such violation including expert witness fees and reasonable attorneys fees. This fine is in addition to any fines imposed as result of a violation of 7.1 above or fines imposed for a violation of the Town Zoning Ordinance.
- 7.4 The second violation of renting or leasing a hotel/motel accommodation with cooking facilities for greater than the maximum length of stay established by this ordinance shall be a fine of \$500 and suspension of a license to operate all accommodations with cooking facilities in that hotel/motel establishment for a period of one calendar year (365 days) from the date the violation is cited by the Town. Such penalty applies to a second violation which occurs within 2 calendar years of the first violation. Such penalties are in addition to any penalties imposed as a violation of 7.2 above.
- 7.5 Any additional violations of 7.2 or 7.4 above within a 2 year time period shall be subject to a fine of \$1000 and immediate suspension of license for a period of 2 years for all rental accommodations with cooking facilities.
- 7.6 The Selectmen may suspend or revoke a license for any violation of this ordinance or any other Town ordinance applicable to a hotel/motel accommodation with cooking facilities.
- 7.7 The Board of Selectmen shall not suspend or revoke a license pursuant to 7.2, 7.4, 7.5 or 7.6 except after a public hearing of which the licensee shall be provided at least three days notice and at which licensee shall have the opportunity to present evidence and cross examine witnesses.

8. **SEVERABILITY** – The provisions of this ordinance are severable.

9. **EFFECTIVE DATE** – The effective date of this Ordinance shall be the day of its enactment by the voters of the Town of York. All initial licenses required by this ordinance shall be obtained by July 1, 1996.