

On February 4, 2025 Bar Harbor Town Council adopted the following proposed to the Municipal Code. The amendment takes effect March 6, 2025. A copy has been filed with the Town Clerk.

Moratorium Ordinance on Certain Transient Accommodations

Town of Bar Harbor

2025-01

An Amendment to the Town Code to Enact a Moratorium Ordinance on Certain Transient Accommodations.

The Town of Bar Harbor hereby ordains that a Moratorium Ordinance on Certain Transient Accommodations is enacted as presented below.

[Please Note: Old Language is ~~stricken~~. New language is underlined.]

MUNICIPALITY OF BAR HARBOR

REGULAR MORATORIUM ORDINANCE REGARDING CERTAIN TRANSIENT ACCOMMODATIONS

The TOWN OF BAR HARBOR, MAINE, through its Town Council (“Town”), makes the following findings:

WHEREAS, the Town of Bar Harbor is experiencing ongoing pressure on public facilities and infrastructure due to an increase in Certain Transient Accommodations; and

WHEREAS, residents of the Town of Bar Harbor have expressed concerns about the development and operation of Certain Transient Accommodations, including impacts on health and safety, environmental quality, quality of life, adjacent property values, size, and the approval process, especially for accommodations approved without Planning Board review; and

WHEREAS, the Town of Bar Harbor’s current Land Use Ordinance is inadequate to prevent serious public harm due to the current approval process for Certain Transient Accommodations; and

WHEREAS, residents of the Town of Bar Harbor have expressed concerns that an increase in Certain Transient Accommodations will put undue strain on the water, sewer, and stormwater systems; and

WHEREAS, residents of the Town of Bar Harbor have expressed concerns that an increase in Certain Transient Accommodations will further exacerbate traffic congestion, degrading the ability of fire, health, and other emergency services to protect people within the Town; and

WHEREAS, residents of the Town of Bar Harbor have expressed concerns that an increase in Certain Transient Accommodations will put undue strain on parking in the Town; and

WHEREAS, Certain Transient Accommodations are of such size and impact that they should be subject to greater public scrutiny through the Planning Board review process; and

WHEREAS, the loss and conversion of year-round housing to seasonal businesses and seasonal worker housing, along with the encroachment of commercial operations into residential areas, pose significant challenges to the stability and character of our community; and

WHEREAS, the Town Council seeks to ensure that adequate time is provided to evaluate these concerns, determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to protect the health, safety, welfare, land use compatibility, environmental compatibility, and the well-being of all residents and visitors in the Town of Bar Harbor;

NOW, THEREFORE, pursuant to Article III, Section C-15 of the Town Charter and 30-A M.R.S. § 4356, the Town of Bar Harbor hereby ordains that the following Moratorium Ordinance Regarding Certain Transient Accommodations be enacted:

I. Authority:

This Moratorium Ordinance is enacted pursuant to Article III, Section C-15 of the Town Charter, 30-A M.R.S. § 4356, and the Town of Bar Harbor’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. §§ 3001 et seq.

II. Definitions:

The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:

“Certain Transient Accommodations” shall be construed to include the following categories:

LODGING I: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING II: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING III: A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public.

LODGING IV: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available only for the overnight guests.

LODGING V: An establishment offering transient lodging accommodations which may include additional accessory facilities and services available to the overnight guests and the general public, as well as a conference center.

LODGING VI: An establishment offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

LODGING VII: An establishment, in a building constructed before June 10, 1986, offering transient lodging accommodations (1-25 guest rooms) which may include additional accessory facilities and services available for the overnight guests only.

III. Purpose:

The purpose of this Moratorium Ordinance is to allow the Town sufficient time to:

1. Evaluate the concerns raised about the anticipated or proposed development of Certain Transient Accommodations and assess the adequacy of existing land use ordinances (data and analysis).
2. Assess the adequacy of existing land use ordinances and regulations, and to develop new ordinances, if necessary, to ensure protection for the health, safety, welfare, land use compatibility, environmental compatibility, and the well-being of all residents and visitors in the Town of Bar Harbor (develop regulatory policies and regulations to address issues of infrastructure, public safety, environmental impacts, and land use compatibility).
3. Hold at least one public hearing and one community engagement event to gather input from residents, business owners, and other stakeholders (public engagement), and
4. The Town Council may consider a reduction of the moratorium to allow for adjustments (size, scope, or duration) if conditions improved or the moratorium's original intent is partially resolved.

IV. Moratorium on Applications and Permitting of Certain Transient Accommodations:

The Town of Bar Harbor hereby declares and imposes a moratorium prohibiting the consideration of applications and permitting of Certain Transient Accommodations as defined in Section II, town-wide, in every district established by Town of Bar Harbor Code, Chapter 125, Article III.

Remodels, renovations, and minor revisions to current Certain Transient Accommodations in the above categories are exempt from this moratorium.

Enlargement of existing structures and accommodations within the above categories is prohibited.

The Code Enforcement Officer shall not accept, process, review, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving the development of Certain Transient Accommodations in the above categories, subject to the stated exceptions.

Notwithstanding the above, this moratorium shall not prohibit the Code Enforcement Officer from accepting, processing, reviewing, approving, authorizing, or issuing building permit or certificate of occupancy for any use within the above categories that has received a permit from the Code Enforcement Officer or Planning Board as of the effective date of this Moratorium Ordinance.

V. Severability:

Any provisions of the Town of Bar Harbor's existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

VI. Effective Date & Term:

This Moratorium Ordinance shall take effect 30 days after adoptions and shall remain in effect for a period of 180 days, unless extended, repealed, or modified by the Town Council. Following notice and a public hearing, and a determination that a moratorium is still necessary, the Town Council may vote to extend this Moratorium.

VII. Enforcement:

The Town Council hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

VIII. Civil Penalties:

Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Bar Harbor.

IX. Application:

Notwithstanding the provisions of 1 M.R.S. § 302, this Moratorium Ordinance shall, to the maximum extent permitted by law and subject to the severability clause above, apply to any and all incomplete, filed, pending, or future applications and petitions for Certain Transient Accommodations as defined in this Ordinance that have not received all necessary development permits or licenses from the Town of Bar Harbor as of the effective date of this Ordinance.

[End of ordinance]