



Town of Bar Harbor Maine

MEMORANDUM ON BAR HARBOR SUSPENSION OF LODGING EFFECTIVE APRIL 8 THROUGH APRIL 30, 2020, DUE TO COVID-19

April 3, 2020

FROM: Cornell Knight
Town Manager
Bar Harbor, Maine

At a special Town Council meeting held March 30, the Bar Harbor Town Council voted — in the interest of public safety, and to preserve the success of the town's summer season — to suspend all occupancy of transient accommodations, vacation rentals and campgrounds for non-essential travel effective Wednesday, April 8 through Thursday, April 30, 2020. This suspension is specifically effective within the municipal boundaries of Bar Harbor for the time period noted.

Attachments:

- Order Temporarily Limiting Rental and/or Occupancy of Transient Accommodations, Short-Term Rentals, Vacation Rentals, and Campgrounds During COVID-19 Pandemic, dated April 2, 2020
- Frequently Asked Questions Relating To Covid-19 Lodging Suspension, Effective April 8, 2020

**ORDER TEMPORARILY LIMITING RENTAL AND/OR OCCUPANCY
OF TRANSIENT ACCOMMODATIONS, SHORT-TERM RENTALS, VACATION
RENTALS, AND CAMPGROUNDS DURING COVID-19 PANDEMIC**

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to spread to a growing number of international locations, including the United States; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared that global health crisis involving COVID-19 is pandemic; and

WHEREAS, on March 12, 2020, the State of Maine identified and confirmed its first case of COVID-19; and

WHEREAS, COVID-19 has been detected in hundreds of thousands of people worldwide and is primarily spread from person to person; and

WHEREAS, COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

WHEREAS, this worldwide outbreak of COVID-19 is emerging and rapidly evolving; and

WHEREAS, Governor Janet T. Mills issued an executive order on March 15, 2020 prohibiting gatherings of more than ten (10) people throughout the State, and closing all restaurants and bars dine-in facilities; and

WHEREAS, on March 24, 2020, Governor Mills issued further guidance to businesses and the public regarding COVID-19; and

WHEREAS, on March 31, 2020, Governor Mills enacted the “Stay Healthy at Home” Executive Order, effective April 2, 2020, and requiring Maine people to remain at home unless to leave for an essential job or essential activity; and

WHEREAS, on March 30, 2020, the Town of Bar Harbor Town Council voted to suspend all occupancy of transient accommodations, vacation rentals, and campgrounds pursuant to its authority under Chapter 74 of the Code of the Town of Bar Harbor, entitled “Emergency Management”; and

WHEREAS, Chapter 74 of the Code of the Town of Bar Harbor (the “Town Code”) grants the Town Manager, acting as the Director of Disaster Services, broad authority to promulgate rules and orders to implement and clarify the Council vote exercising emergency

power and authorizes the Town Manager, to prepare, in consultation with the Town Attorney, all necessary emergency procedures, rules, and orders and implement emergency operations; and

WHEREAS, the occupancy of transient accommodations and vacation rentals in the Town has grown notably in the past week as individuals seek to flee the implications of COVID-19 in their home communities; and

WHEREAS, the Town's year-round population is most recently estimated at approximately 5,300 which is starkly lower than the approaching peak tourist season; and

WHEREAS, there are more than 4000 units of transient accommodation, vacation rentals, and campground spaces available in the Town; and

WHEREAS, the limited number of local grocery stores, infrastructure, and resources during the off-season are only sufficient to provide for the Town's year-round residents; and

WHEREAS, despite the potential influx of seasonal employees and increased resources that arrive during the peak season, these will nevertheless be insufficient to handle an emergency of the nature and scale presented by the COVID-19 pandemic; and

WHEREAS, the Town lacks the resources to adequately protect the public health, safety, and welfare if there is a large unanticipated spike in population because such a surge will overwhelm the Town's capacity to provide essential municipal services such as water, sewer, fire and rescue, police, and will also deplete the supply chain of food and other resources to the Town; and

WHEREAS, restrictions have been put in place all over the world in an effort to protect public health, safety, and welfare and to "flatten the curve" to protect first responders and all members of the healthcare profession who are on the frontline of the pandemic, as well as those workers who are deemed essential and who are providing the public with the necessities of life; and

WHEREAS, public health experts have vigorously recommended that in order to contain and slow the spread of COVID-19, citizens should remain at home as much as possible, maintain social distancing, and avoid non-essential travel; and

WHEREAS, certain types of transient accommodations, vacation rentals, and campgrounds in the Town are allowed, as defined in Chapter 125 of the Town Code to be constructed at much higher density rates than traditional single-family dwellings; and

WHEREAS, high population density increases the risk of transmission of COVID-19; and

WHEREAS, the actions contemplated in this Order are not taken lightly, given the importance of private property and other rights of local owners and visitors, who the Town

consider to be integral members of the community, and who have assisted in making the Town what it is today and what it will continue to be going forward; and

WHEREAS, many states have imposed stay-at-home orders and non-essential travel bans and other Maine communities have imposed stay-at-home orders and temporary limits on seasonal accommodations in light of the dire public health emergency posed by COVID-19; and

WHEREAS, the Town has decided it must declare temporary and immediate restrictions on transient accommodations, vacation rentals, and campgrounds located in the Town to protect public health, safety, and welfare and to preserve critical resources in these unprecedented times.

NOW THEREFORE in accordance with aforesaid laws and recitals, which are incorporated herein by reference, it is hereby promulgated and declared that until further Order of the Town or Town Manager:

A. Short-term rentals.

1. Except as otherwise specifically provided herein, the short-term rental (defined as a period of thirty (30) days or less) of private residential properties in the Town is hereby prohibited. No short-term rental agreements or arrangements of any kind, whether or not consideration is exchanged, shall be made by and between owners of residential property and any third parties. This prohibition will be in place with respect to any occupancy between April 8, 2020 and April 30, 2020, or, when the Governor terminates the current state of emergency, whichever occurs first.
2. Any individual(s) currently occupying a Short-Term Rental on or before March 30, 2020, may continue such occupancy, but all such rental agreements or arrangements for Short-Term Rentals shall be terminated by operation of this paragraph on or before April 8, 2020.

B. High Density Accommodations

1. Except as otherwise specifically provided herein, no "Transient Accommodation," (which includes "hotels," "motels," "bed-and-breakfasts/small inns," "seasonal cottage complexes," and "housekeeping cottage complexes"), "Tent and Recreational Park," and/or "Campground/Recreational Park" or "Vacation Rental" (as all of those terms are defined in Chapter 125 of the Town Code) shall be occupied between April 8, 2020 and April 30, 2020, or, when the Governor terminates the current state of emergency, whichever occurs first.
2. Any individual(s) currently occupying a Transient Accommodation, Campground/Recreational Park, Tent and Recreational Park, or Vacation Rental on or before March 30, 2020, may continue such occupancy, but all such rental agreements or arrangements for Transient Accommodations, Campground/Recreational Parks, Tent and Recreational Parks, or Vacation Rentals shall be terminated by operation of this paragraph on or before April 8, 2020

C. Second/Seasonal Properties.

1. A “Second/Seasonal Property” is any property that is not otherwise defined or regulated herein.
2. The Town is recommending, on the strongest possible terms, that owners of Second/Seasonal Property and their invitees remain in the location of their permanent residence and/or the dwelling they currently occupy from April 8, 2020 and April 30, 2020, or, when the Governor terminates the current state of emergency, whichever occurs first.
3. If owners or invitees of a Second/Seasonal Properties as defined in subparagraph C (1) relocate to the Town during the effective period of this Order, they are strongly encouraged to self-quarantine in said Second/Seasonal Property for at least fourteen (14) days from the date of arrival in Town.

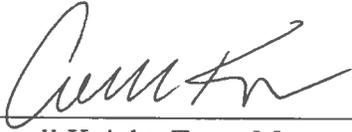
D. Exceptions.

1. The restrictions contained in this Order shall not apply to the following:
 - Individuals who are providing care for Town residents who are unable to care for themselves as result of illness or infirmity;
 - Government facilities, agencies, and services needed to ensure the continuing operation of the government and provide for the public health, safety and welfare, including but not limited to police, fire, EMS, code enforcement, and trash collection;
 - Recipients of General Assistance from the Town who have been provided with accommodations at such properties; and/or
 - Workers who are engaged in “Essential Businesses and Operation,” as defined in the Governor’s Executive March 24, 2020 Order No. 19 FY 19/20 as follows, except to the extent said definition conflicts with the terms of this Order.

E. Enforcement/Penalties

1. Each day of rental and/or occupancy in violation of this Order shall be considered a separate violation.
2. The penalties set forth in section 1-18 of the Town Code apply and a violation shall be punishable by fine of not more than \$500.00 plus costs per violation.

Given under my hand, as authorized by the Town Council and Chapter 74 of the Code of the Town of Bar Harbor, this 2nd day of April, 2020.

A handwritten signature in cursive script, appearing to read "Cornell Knight", written in black ink.

Cornell Knight, Town Manager

FREQUENTLY ASKED QUESTIONS RELATING TO COVID-19 LODGING SUSPENSION Bar Harbor, Maine Effective April 8, 2020

Bar Harbor is a community that benefits from and welcomes visitors from around the world every year. We recognize that this suspension of lodging services will require people to make significant sacrifices, and we appreciate your understanding and patience, in complying with these restrictions. We look forward to welcoming our visitors when it is safe to do so.

– *Cornell Knight, Bar Harbor Town Manager*

1. WHAT DOES NON-ESSENTIAL TRAVEL MEAN?

The Town of Bar Harbor considers non-essential travel – that for which lodging shall not be provided – to mean any travel that is not absolutely necessary and required. This includes, but is not limited to, tourism, leisure, and recreation.

Lodging may be provided only to workers of Essential Businesses and Operations and individuals identified as Essential Critical Infrastructure Workforce, both as identified in Governor Janet T. Mills' [Executive Order #19 FY 19/20](#) (starting on the second and seventh pages of that document, respectively), to provide them the ability to deliver and perform their work duties.

There will be special circumstances where people must travel to Bar Harbor (essential travel) for reasons other than being part of Essential Businesses and Operations or the Essential Critical Infrastructure Workforce, and which is not for tourism, leisure, and recreation, and for which lodging should be provided. These include death of a loved one, caregiving, and others.

We cannot list all possible special circumstances and we recognize that you will need to exercise judgment; however, the purpose of the Council's action is clear and we expect that you are able to discern between what is essential and non-essential travel using the guidelines above.

2. WHAT IS TRANSIENT ACCOMMODATION?

We consider transient accommodations to include all forms of lodging services such as hotels, motels, bed and breakfasts, cabins, etc. This also includes campgrounds.

3. WHAT IS A VACATION RENTAL?

We consider a vacation rental (sometimes referred to as short-term rental) to be the use of a dwelling unit or portion thereof for rent to guests for a period of less than 30 days and a minimum of five days. To legally operate a vacation rental in Bar Harbor, you must have your vacation rental registered with the town. If you have such a registration, the lodging suspension applies to your property.

4. CAN I RENT A TRANSIENT ACCOMMODATION OR A VACATION/SHORT-TERM RENTAL FOR MORE THAN 30 DAYS?

To protect the public health safety and welfare, you should not attempt to circumvent this effort by advertising or renting a transient accommodation or vacation/short-term rental for more than 30 days to occupants who are not in Bar Harbor on essential travel.

5. CAN I RENT A TRANSIENT ACCOMMODATION OR VACATION/SHORT-TERM RENTAL ON APRIL 8?

You can rent transient accommodation and vacation/short-term rental to those who are on non-essential travel until, but no later than, April 7. Your guest(s) that are on non-essential travel must check-out by or on April 8.

6. HOW DOES THIS SUSPENSION AFFECT RESERVATIONS ALREADY MADE?

Any individual(s) currently occupying a transient accommodation or vacation/short-term rental on or before March 30, 2020 may continue such occupancy, but it shall be terminated no later than April 7, with the guest(s) checking out by or on April 8, 2020.

We consider the Council's action to prohibit non-essential travelers (as in non-essential travel) from occupying any place of lodging and vacation/short-term rental between April 8 through April 30, 2020, regardless of when the reservation was made.

Again, essential travel would be exempt from the suspension.

7. CAN I TAKE RESERVATIONS FOR MAY 1?

There is nothing in this suspension restricting you from taking reservations starting on May 1; however, please be aware that the Town Council could decide between now and then that, in the interest of public safety, it is necessary to prolong the suspension.

8. WHAT ABOUT MY SUMMER HOME?

In the spirit of the state's "Stay Healthy at Home" order, we strongly recommend and plead that you and any guests remain where you are (your primary residence).

Should you or any guests decide to come to your summer home in Bar Harbor, we are asking in the strongest possible terms that you self-quarantine for a period of 14 days to prevent the potential spread of COVID-19.