

**TOWN OF HARPSWELL**

**EMERGENCY ORDER TEMPORARILY LIMITING OCCUPANCY OF  
SHORT-TERM RENTALS, TRANSIENT LODGING FACILITIES  
AND SEASONAL HOMES/NON-PRIMARY RESIDENCES  
DURING COVID-19 PANDEMIC**

WHEREAS, on March 13, 2020, the President of the United States issued a Proclamation Declaring a National Emergency Concerning the novel Coronavirus Disease (“COVID-19”);

WHEREAS, on March 15, 2020, the Governor of the State of Maine declared a Civil State of Emergency due to the spread of COVID-19;

WHEREAS, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individuals in the community;

WHEREAS, the number of cases of COVID-19 and related deaths have increased exponentially globally, in the United States, and in Maine (particularly, in York and Cumberland counties) as a result of widespread transmission occurring among the general public (“community spread”);

WHEREAS, the President of the United States and the Centers for Disease Control (“CDC”) have urged the public to practice social distancing and not attend events where ten (10) or more people will be gathered;

WHEREAS, by Executive Order dated March 18, 2020, the Governor of the State of Maine prohibited social gatherings of more than ten (10) people, and ordered all restaurants and bars in the State of Maine to close their dine-in facilities on March 18, 2020;

WHEREAS, on March 18, 2020, the Chairman of the Board of Selectmen proclaimed a civil state of emergency pursuant to his authority under Section 6 of the Town’s Emergency Management Ordinance;

WHEREAS, Sections 6 and 8 of the Town’s Emergency Management Ordinance grant the Board of Selectmen broad authority to promulgate such regulations as they deem necessary to protect public health, safety, and welfare in times of “disaster,” (which term is defined to include epidemics under section 2 of the Emergency Management Ordinance);

WHEREAS, on March 23, 2020, the Town’s Board of the Selectmen of issued an “Order Extending State of Emergency” until the Governor terminates the state of emergency, unless further extended by the Board of Selectmen;

WHEREAS, by Executive Order dated March 24, 2020, the Governor of the State of Maine ordered that all Non-Essential Businesses in the State of Maine cease activities at sites that are public facing, or at sites that require workers to convene in space where social distancing is not possible;

WHEREAS, by Executive Order dated March 31, 2020, the Governor of the State of Maine expanded the State's response to the public health emergency, including issuing a statewide stay-at-home order for residents and other such measures that remain in effect until at least April 30, 2020, unless otherwise ordered;

WHEREAS, on March 31, 2020, the Governor of the State of Maine held a press conference making, among other things, the following pronouncements:

- Declaring a stay-at-home order for all persons living in the State;
- Strongly discouraging visitors and seasonal residents from coming in to or returning to the State of Maine during this public health emergency for their own safety and the safety of those around them; and
- Requiring all persons entering the State of Maine at this time to self-quarantine for a minimum of 14 days.

WHEREAS, the Town of Harpswell has a significant year-round population of older adults and is also a popular tourist destination for visitors and individuals occupying seasonal accommodations, lodging and residences, which together heighten the risk of community spread through public contacts among residents and visitors,

WHEREAS the closest hospital to the Town, Midcoast Hospital, has only eleven (11) ICU beds, which will quickly become overwhelmed as COVID-19 cases rise; and

WHEREAS, the arrival of people to seasonal or rental residences and short-term lodging increases the exposure risk for community spread of COVID-19, which threatens the public health, safety, and welfare of the citizens of the Town of Harpswell;

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

NOW THEREFORE, pursuant to the powers vested in us under Section 8 of the Emergency Management Ordinance, enacted by the voters of the Town on March 10, 2007, and pursuant to common law and statutory authority to enact regulations to protect the public's health, safety, and welfare in the event of an emergency, the Board of Selectmen hereby ORDERS as follows:

### **Part 1: Short-term Rentals**

1. Except as otherwise specified herein, any "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.

2. This prohibition will be in place with respect to any occupancy of a Short-term Rental for the duration of this Emergency Order, with the expectation that all such units shall remain vacant while this Order is in effect.
3. All Short-term Rental arrangements that are currently in effect are subject to the terms of this Emergency Order except to the extent that occupancy already commenced prior to the date of this Order.

## **Part 2. Transient Lodging Facilities**

Except as otherwise specified herein, occupancy in any hotel, motel, bed and breakfast, inn, fractional share development (timeshare), campground, individual private campsite, mobile home park, housekeeping cottage, lodging facility and/or any other type of transient accommodation located in the Town is prohibited for the duration of this Emergency Order.

## **Part 3: Seasonal Homes/Non-Primary Residences**

1. The Town recommends, on the strongest possible terms, that owners and invitees of seasonal homes and/or non-primary residences remain in the location of their primary residence and/or the dwelling unit they currently occupy, for the duration of this Emergency Order.
2. If, despite the Town's strong request to the contrary, owners and/or invitees of a seasonal home or non-primary residence choose to occupy their unit within the Town during the effective period of this Emergency Order, they must self-quarantine in that unit for at least 14 days from the date of arrival, as expressly directed by the Governor during her March 31, 2020 press conference announcing the enactment of Executive Order 28 FY 19/20.

## **Part 4: Exceptions**

The restrictions contained in this Emergency Order shall not apply to the following who may require temporary lodging within the Town during the COVID-19 public health emergency:

- Individuals who are providing care for Town residents who are unable to care for themselves as result of illness or infirmity;
- Medical/healthcare professionals or first responders utilizing the properties referenced herein while serving the Town or a neighboring community;
- Active duty military and their family;
- A person or household looking to remove themselves from a household which has a person testing positive for COVID- 19;

- A person and their family who needs to remove themselves from their permanent residence in an effort to escape domestic violence;
- 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.

**Part 5. Enforcement**

1. Pursuant to Sections 12 and 13 of the Emergency Management Ordinance, any person, firm or corporation found to have violated any provisions of this Emergency Order shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) and the costs of prosecution.
2. Each day of rental and/or occupancy in violation of this Emergency Order shall be considered a separate violation.

**Part 6. Severability**

Should any provision of this Order be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Order as a whole.

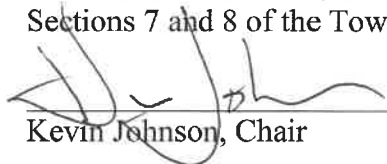
**Part 7. Conflicting Ordinances, Orders, Rules and Regulations Suspended**

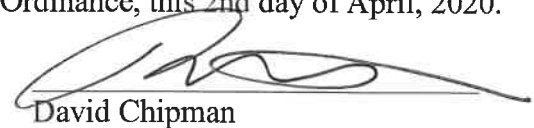
Pursuant to Section 15 of the Town’s Emergency Management Ordinance, the rules and regulations contained in this Emergency Order shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

**Part 8. Effective Date**

This Emergency Order shall take upon adoption and shall remain in effect until 11:59 p.m. on April 30, 2020, unless extended or sooner revoked by the Board of Selectmen.

Given under our hands, as authorized by the March 18, 2020 Emergency Proclamation and Sections 7 and 8 of the Town’s Emergency Management Ordinance, this 2nd day of April, 2020.

  
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 Kevin Johnson, Chair

  
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 David Chipman

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 Jane Covey