

ORDER TEMPORARILY LIMITING RENTAL AND/OR OCCUPANCY
OF TEMPORARY AND SEASONAL ACCOMMODATIONS
DURING COVID-19 PANDEMIC

WHEREAS on March 17, 2020, the Town of Wells Board of Selectmen issued a “Proclamation of the Town of Wells Declaring an Emergency on COVID-19 Pandemic” (hereinafter, the “Proclamation”) pursuant to its authority under Chapter 14 of the Code of the Town of Wells, entitled “Emergency Management”; and

WHEREAS Chapter 14 of the Code of the Town of Wells (the “Town Code”) and the Proclamation grant the Town and the Town Manager broad authority to promulgate such regulations they deem necessary to protect public health, safety, and welfare and to preserve critical resources in times of “disaster,” (which term is defined to include epidemics under section 14-3 of the Town Code); and

WHEREAS since the enactment of the Proclamation, 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); and

WHEREAS the occupancy of seasonal accommodations 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 10,000 which is starkly lower than the approaching peak tourist season, which is estimated to be 40,000; and

WHEREAS there are more than 5,000 units of temporary and seasonal accommodation 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 the closest hospital to the Town only has six (6) ICU beds, which is severely inadequate to contend with the number of cases of COVID-19 that are being predicted even by conservative estimates;

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 seasonal and temporary accommodations in the Town are allowed under Chapter 145 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 such seasonal and temporary accommodations are largely populated by older individuals who have been identified by the Center for Disease Control (the "CDC") as being disproportionately impacted by 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 seasonal accommodations 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 the dates of this Order and May 1, 2020, or, when the Governor terminates the current state of emergency, whichever occurs first.
2. All rental arrangements as aforesaid that are presently in effect are subject to the terms of this Order except to the extent that occupancy already commenced prior to the date of this Order.

B. High Density Accommodations

1. Except as otherwise specifically provided herein, no "Lodging Facility," (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" (as all of those terms are defined in either Chapter 145 or 150 of the Town Code) shall be occupied from the date of

this Order until May 1, 2020, or, when the Governor terminates the current state of emergency, whichever occurs first.

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 the date of this Order until May 1, 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 14-11 of the Town Code apply and range between a minimum of \$100 to a maximum of \$1,000 per violation. Additional penalties may include fines and revocation of business licenses pursuant to sections 150-9 and 150-10 of the Town Code.

Given under my hand, as authorized by the Board of Selectmen and Chapter 14 of the Code of the Town of Wells, this 31st day of March 2020.

Jonathan L. Carter, Town Manager