

**TITLE XV
OGUNQUIT MUNICIPAL CODE
TAXATION OF TIMESHARES**

ARTICLE 1 - TIME-SHARE ESTATES

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101 PURPOSE

The purpose of this article is to facilitate the collection and payment of property taxes on time-share estates.

102 AUTHORITY & SCOPE

This article is enacted by the municipal officers in accordance with Title 33 M.R.S.A., Chapter 10-A Taxation, Timeshares §593, Chapter 4. This article governs the taxation of any time-share estates determined by the municipal officers in the Town of Ogunquit.

103 DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

- 103.1 **ESCROW ACCOUNT-** An account established and maintained by the managing entity in accordance with 33 M.R.S.A. § 593 (5).
- 103.2 **MANAGING ENTITY -** The Time-Share association responsible for management of timeshare estates or if the association has designated an agent responsible for the obligations imposed by this article, such agent.
- 103.3 **TIME-SHARE ESTATE -** Any interest in a unit or any of several units under which the exclusive right of use, possession or occupancy of the unit circulates among the various owners of the unit in accordance with a fixed time schedule on a periodically recurring basis for periods of time established by the schedule, coupled with a freehold estate or an estate for years in a time-share property or a specified portion thereof.
- 103.4 **TIME-SHARE OWNER -** A person who is an owner or co-owner of a time-share estate other than as security for an obligation.

104 TAX BILL; COLLECTION OF FUNDS

- 104.1 The Town of Ogunquit shall send the managing entity a tax bill for the time-share project, which shall include the information necessary to identify the assessed value of and the amount of tax owing for each timeshare unit.
- 104.2 The managing entity shall collect and receive funds from time-share estate owners for the purpose of paying the real estate taxes assessed on each time-share estate.

105 ESCROW ACCOUNT

- 105.1 The managing entity shall establish and maintain an escrow account with a financial institution licensed by the state and deposit any money collected or received for taxes in the escrow account with 10 days after collection or receipt. The escrow account shall be established in the name of both the managing entity and the Town of Ogunquit.
- 105.2 No withdrawal may be made from the escrow account without the written agreement of the Town of Ogunquit.
- 105.3 Prior to the delinquency date established by the Town of Ogunquit at its Annual Town Meeting, the managing entity shall pay to the Ogunquit Tax Collector all money deposited in the escrow account for the purpose of tax payment. If the amount paid from the escrow account is not sufficient to discharge all taxes and tax-related costs due and owing, the managing entity shall place a lien on those time-share estates whose owners have not contributed to the escrow account as provided in 33 M.R.S.A. § 594, and pay the outstanding amount no later than 30 days after the date it has collected the taxes and costs from the delinquent owner or has foreclosed the lien and sold the time-share estate requested to a new owner or 10 months from the date of commitment, whichever is earlier. If requested by the Town of Ogunquit, the managing entity shall provide a list identifying those owners and their interests, including the period of ownership, to the Ogunquit Tax Collector, who may then, if he or she so elects, proceed to collect the taxes on those interests as allowed by law.
- 105.4 If the Ogunquit Tax Collector and Treasurer use the lien procedure described in 36 M.R.S.A. §942, 942A and 943 to collect delinquent taxes on time-share estates, whatever notice is called for in §942, 942A and 943 shall be sent to the owner of the time-share estate as required by law. The Ogunquit Tax Collector and Treasurer shall also give to the managing entity or leave at the managing entity's last and usual place of abode or send to the managing entity by certified mail return receipt requesting either a copy of the notice sent to the time-share estate owner or a notice that lists all the time-share estate owners to whom notices have been delivered.

106 VIOLATIONS & PENALTIES

106.1 When a violation of any provision of this article shall be found the Ogunquit Tax Collector shall inform the managing entity, the municipal officers and the Town Manager of the violation. If the notice does not result in the correction of the violation, the Select Board may institute any and all actions and proceedings, either legal or equitable including seeking to enjoin the violation and the imposition of civil penalties, that may be appropriate or necessary to enforce this article.

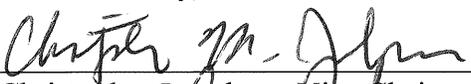
106.2 Any managing entity that fails to comply with the provisions of this article shall be punished by a civil penalty of at least \$100 and not more than \$200 per day payable to the Town of Ogunquit and for court costs and reasonable attorney fees incurred by the Town of Ogunquit. Each day the violation continues after the Town of Ogunquit gives notice thereof shall constitute a separate violation.

107 EFFECTIVE DATE

This article shall become effective April 1, 2014 for taxes assessed and billed for the Fiscal Year 2014-2015, which commences July 1, 2014.

Dated: March 18, 2014

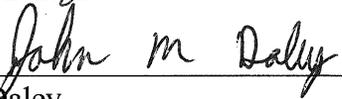
Barbara Dailey, Chair



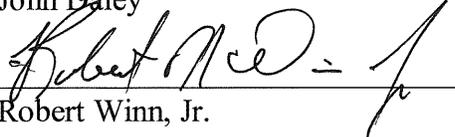
Christopher Jarochym, Vice Chair



David Barton



John Daley



Robert Winn, Jr.

Town of Ogunquit Select Board