

Proposed New General Bylaw

CHAPTER XVI SHORT TERM RENTAL BYLAWS

Sec. 1 Purpose

The purpose of this chapter is to allow for short term rentals while ensuring public safety, preventing possible nuisances for abutters, minimizing reductions to available long term (greater than 31 days) rental housing, and preserving the character of the town's neighborhoods. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations requiring immediate attention.

Sec. 2 Definitions

For this chapter, the following terms shall have the meanings indicated:

SHORT TERM RESIDENTIAL RENTAL: A Single-Family, Two-Family and Multi-Family Dwelling where rooms for overnight accommodation are rented, other than by tenancies at will or by lease, for not more than 31 consecutive days. Short Term Residential Rentals include traditional Bed & Breakfasts, but do not include motels, hotels or inns.

OWNER OCCUPIED RESIDENTIAL DWELLING: A Residential Dwelling that is the primary residence of the property owner and where they reside for at least 9 months of the year.

OPERATOR: the property owner and any other person or entity operating a Short Term Residential Rental, including, but not limited to, a lessee, sublessee, mortgagee in possession, or licensee. It is the intent of this bylaw that Operator shall a meaning consistent with General Laws c, 64G, §1.

Sec. 3 Short Term Rental Licensing and Registration

1. No Short Term Residential Rental may be operated within the Town of Buckland until it is registered with the Town in accordance with this Chapter and with the Commonwealth of Massachusetts Department of Revenue pursuant to the applicable provision of General Laws Chapter 64G, and complies with further requirements of this Chapter and regulations adopted hereunder.
2. The Operator of the Short Term Residential Rental, which shall include each owner of the property where the unit is located, shall submit a Short Term Residential Rental registration application to the Town of Buckland Town Clerk.
 - a. Each application for registration shall include: (a) submission of a complete application and payment of all associated fees; (b) contact information for the Operator and any agent designated by the Operator on a 24/7 basis to respond to any disturbances or emergencies associated with the Short Term Residential Rental within two (2) hours notice; (c) a certificate of insurance evidencing liability insurance

coverage for the Short Term Residential Rental in an amount consistent with industry standards.

- b. The application shall be followed by a health inspection and certification of compliance with applicable **sanitary and** building codes.
3. The period of registration shall be for one year, beginning January 1 of the year following the effective date of this bylaw. Applications for renewal shall be submitted each year by November 1. All renewals shall require a new application to be submitted and payment of annual fee as well **as proof of compliance with sanitary and building codes** ~~as a health inspection and certification of compliance with applicable building codes~~. Renewal shall be conditional upon compliance with the provisions of this Chapter and any associated regulations during the preceding year.
4. Acceptance of registration and issuance of a Town registration number in accordance therewith shall constitute a license to operate the Short Term Residential Rental in the Town, subject to the provisions of this Chapter. The fee for the license shall be set by the Select Board.

Sec. 4 Non-Transferability

Short Term Residential Rental registrations shall be granted solely to an Operator and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

Sec. 5 Regulations

1. The Board of Health may promulgate regulations to carry out and enforce the provisions of this Chapter. Such regulations may include but are not limited to requirements to insure that the operation of the Short-Term Rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, sanitary conditions, and other nuisance conditions.
2. The Town-issued registration number shall be included on any listing offering the Short Term Rental for rent.
3. The Operator of each Short Term Residential Rental shall keep a register containing the name of every person occupying each short term rental unit, their principal residence address, and the dates of occupancy. The register shall be retained for two (2) years and shall be made available upon request to the Board of Health, Building Inspector, or other duly appointed or authorized code compliance staff of the Town of Buckland.
4. A Short Term Residential Rental property shall maintain compliance with all applicable federal, state and local laws. It shall have no outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning violations at the time of registration. Failure to timely correct such violations arising within the registration period shall be cause to suspend or revoke such registration.

Sec. 6 Initial Compliance Period

Upon the effective date of this Bylaw, existing Short Term Residential Rentals will have the ability to operate based on the conditions below:

1. All existing Owner Occupied Short Term Residential Rentals must meet the standards of this Bylaw within six (6) months of EFFECTIVE DATE OF BYLAW.
2. All existing Non-Owner Occupied Short Term Residential Rentals that have previously registered and been inspected with the Town of Buckland as of DATE OF NOTICE OF PUBLIC HEARING, must meet the standards of this Bylaw within six (6) months of EFFECTIVE DATE OF BYLAW.

Sec. 7 Complaint Process and Enforcement

1. The Board of Health or its designee, pursuant to Chapter VII, Section 6 of these Bylaws, shall be the “Enforcing Person” for this Bylaw.
2. The Enforcing Person may issue orders as appropriate to aid in the enforcement of this Bylaw and the regulations adopted hereunder, and may enforce these provisions in equity, including the request for injunctive relief in a court of competent jurisdiction and by noncriminal disposition pursuant to G.L. c. 40, §21D. Failure to comply with any order issued hereunder shall be punishable by a fine of \$300.00. Each day of continued noncompliance shall constitute a separate violation. The imposition of a fine shall not be construed to prevent enforcement of any other bylaws, laws or regulations nor prevent other enforcement measures or fines, including civil or legal action against the Operator to require compliance with the order.
3. Upon receipt of a complaint from any person alleging that the condition, operation, or use of a Short Term Residential Rental unit is in violation of this Bylaw, or otherwise as the Enforcing Person may determine in its discretion, the Enforcing Person may require an inspection of the Short Term Residential Rental property by each official or board with jurisdiction to address the alleged violation. The Operator shall make a good faith effort to arrange access by authorized Town personnel to the Short Term Residential Rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.
4. Upon a hearing by the licensing authority with notice to the Operator, that licensing authority may suspend or revoke a Short Term Residential Rental license upon its determination that the Operator is in violation of this Chapter and has failed or is unable to cure the violation within the time required.

Sec. 8 Severability

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Buckland declares the provisions of this Bylaw to be severable.