***Proposed General Bylaw***

**CHAPTER ? SHORT TERM RENTAL BYLAWS**

**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 (31 days or greater) 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 when requiring immediate attention.

**Definitions**

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

SHORT TERM RESIDENTIAL RENTAL: A residential property where rooms for overnight accommodation are rented out for less than 31 consecutive days. It does not include lodging house accommodations, tenancies at will or month to month leases, which are for 31 or more days. For purposes of this bylaw, Short Term Residential Rentals include traditional Bed & Breakfasts, online overnight accommodation rentals, and lodging houses as well as residential dwellings.

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.

**Short Term Rental Licensing and Registration**

1. No dwelling unit or part thereof may be offered as a Short Term Residential Rental within the Town of Buckland unless it is registered annually with the Town and in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue pursuant to the applicable provision of General Laws Chapter 64G.
2. The owner of the dwelling shall be required to complete a Short Term Residential Rental registration application with the Town of Buckland, the form and content of which shall be provided by the Franklin Regional Council of Governments’ Cooperative Public Health Services (CPHS). The application shall include a health inspection and certification of compliance with applicable building codes.
3. The period of registration shall be for one year. All renewals shall require a new application to be submitted and payment of annual fee.
4. The fee for the license shall be set by the Select Board and may be adjusted at their discretion during an open meeting.

**Non-Transferability**

Short Term Residential Rental registrations shall be granted solely to an Owner 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.

**Regulations**

1. The Town-issued registration number shall be included on any listing offering the Short Term Rental for rent.
2. The Owner must provide information where they or their agent can be contacted on a 24/7 basis to respond to any disturbances or emergencies associated with the Short Term Residential Rental.
3. The Owner or Owner’s Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of Occupants, and 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. No more than two (2) adult occupants per room for overnight accommodation.
5. One off-street parking space shall be provided for each room for overnight accommodation to be rented, unless an alternate parking plan is provided and approved by the Planning Board with a Special Permit.
6. No loud noise or music, excessive traffic, or other disturbances shall be allowed.
7. The Short Term Residential Rental property may not be rented out for commercial events such as weddings or other large parties unless a Special Permit is granted by the Planning Board. All required insurance and other permits shall be obtained prior to the event with documentation submitted to the Planning Board.
8. Outdoor lighting to guide visitors to their accommodations shall be pedestrian in scale and shall be directed downward to shield abutting properties from impacts. Lighting shall incorporate full cut-off fixtures to reduce light pollution and fixtures shall be “dark sky” compliant and meet International Dark Sky FSA certification requirements.

**Continuance of Operation**

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

1. All existing Owner Occupied Short Term Residential Rentals that have registered and been inspected with the Town of Buckland as of DATE OF NOTICE OF PUBLIC HEARING, have the right to continue as a permitted use, so long as they continue to be registered and licensed and meet the standards of this Bylaw within six (6) months of EFFECTIVE DATE OF BYLAW.
2. All existing Owner Occupied Short Term Residential Rentals that have not been registered and inspected with the Town of Buckland as of DATE OF NOTICE OF PUBLIC HEARING, have the right to continue as a permitted use, if they are able to be registered, licensed, and meet the standards of this Bylaw within six (6) months of EFFECTIVE DATE OF BYLAW.
3. All existing Non-Owner Occupied Short Term Residential Rentals that have registered and been inspected with the Town of Buckland as of DATE OF NOTICE OF PUBLIC HEARING, have the right to continue as a permitted use, so long as they continue to be registered and licensed and meet the standards of this Bylaw within six (6) months of EFFECTIVE DATE OF BYLAW.

If the unit is considered nonconforming under Section XX of the Zoning Bylaw and the registration lapses for X PERIOD OF TIME, their license cannot be renewed and will not be permitted to continue as a Short Term Residential Rental.

1. All existing Non-Owner Occupied Short Term Residential Rentals that have not registered and been inspected with the Town of Buckland as of DATE OF NOTICE OF PUBLIC HEARING, do not have the right to continue as a permitted use.

**Complaint Process and Enforcement**

1. 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 any law or State or local requirement, an inspection of a premises shall be undertaken within a reasonable amount of time in accordable with the code official’s duties and responsibilities. The licensee shall make a good faith effort to arrange access by authorized Town personnel to any licensed rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.
2. The Select Board or its designee may issue orders as appropriate to aid in the enforcement of this Bylaw. Any failure to comply with any order issued shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of $300.00. Each day of continued noncompliance shall constitute a separate violation. Further, the Select Board may hold a hearing, with notice to licensee, to determine if such license should be suspended or revoked.

**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.