

XXXIX SHORT TERM RENTALS

[Adopted at the October 24, 2016 Special Town Meeting, Approved by the Attorney General on October 6, 2017, Posted According to Law on November 1, 2017]

Purpose: The rental of residential premises to short term paying guests, not otherwise expressly licensed for such purpose by the Town of West Newbury or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law issued from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term paying guests, to ensure an orderly and transparent process for operating small-scale rental services, and to protect the tranquility of residential neighborhoods.

Applicability: The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term paying guests are those who are staying in a dwelling unit for less than fourteen (14) consecutive nights. The Board may allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.

Process: Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

Applications: Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the exact nature of the proposed short term rental operation, including location, number of rooms to be rented and whether food will be served to the guests.

By completing the application, applicants will be confirming the following:

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors) and is in compliance with the State Sanitary Code, 105 C.M.R. § 410.00
2. A certificate of occupancy for the property is on file
3. Name of a local authorized

agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present. 4. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. Said Registry shall include the home address of each guest and the make, model and license number for each automobile used by such guest The registry shall be made available for review at any time at the request of a West Newbury Police

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Officer, the Health Agent of the Town of West Newbury and/or Board of Selectmen or any agent designated in Regulations promulgated by the Board of Selectmen.

Application Fee: The Board of Selectmen shall annually set a fee for applying for a Short Term Guest Rental Home License. The fee must be paid at time of application. The Board of Selectmen may grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits. Owners shall comply with the Regulations that the Selectmen shall promulgate from time to time.

Regulations: The Board of Selectmen shall promulgate Regulations pursuant to this Bylaw and in accordance with any other lawful authority.

COMPLAINTS AND ENFORCEMENT:

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law. 2. If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the Enforcement Agent shall send notice to the license holder, by registered mail to the address stated on the initial Application, a notice ordering cessation of the improper activities. 3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw through the mechanisms set forth in Article XVIII of the West Newbury Town By-laws, and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs. 4. In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license. 5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare. 6. The Board of Selectmen may, after hearing, mandate

licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.