

# Town of Tisbury



## Short-Term Rental Regulations

## **Town of Tisbury Short-Term Rental Regulations**

The purpose of these Short-Term Rental regulations is to provide for administration and enforcement of the Tisbury Short-Term Rental Bylaw (the “Bylaw”), which provides for registration of short-term rental units in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public and to maintain the quality of life in residential neighborhoods of the Town. These regulations are also intended to assist the Board of Health, the Building Department and the Fire Department in the enforcement of state and local health and safety laws and regulations related to short-term rental units and to provide a method for correcting violations when conditions require immediate attention, in particular, situations associated with Short-Term Rentals. As in the Bylaw, capitalized terms used in these regulations shall have the same meaning as set forth in Chapter 64G of the General Laws.

### **Certificate of registration.**

#### **I.**

Operators who are required to register with the Town of Tisbury under the Bylaw shall submit an application for registration in the form provided by the Building and Zoning Inspector. The application shall be referred to the Tisbury Building Department which shall, in coordination with the Board of Health and Fire Department, determine the number of persons such building or portion of a building may lawfully accommodate under the provisions of the Massachusetts State Sanitary Code, Building Code, and Fire Code. The Operator shall conspicuously post on such building, or portion of a building, a certificate provided by the Building Department specifying the number of persons such building or portion of a building may lawfully accommodate.

#### **II.**

The Building Department shall, in accordance with the above section, issue a certificate of registration which shall expire on the following December 31, provided that the certificate may be renewed each year.

#### **III.**

The registration application shall be made through the Town’s on-line permitting portal. The application shall contain the name and address of the property owner, the address of the property being registered, the number of units in the registered property, the number of rooms in each unit, and the size (in square feet) of each unit. If the owner is a realty trust or partnership, the name, address, and telephone number of the managing trustee or partner shall be provided. In the event that the owner does not reside within the Commonwealth of Massachusetts, the owner shall designate a resident agent to represent him within the Commonwealth and shall provide the name, address and telephone number of the resident agent so designated.

#### **IV.**

The application shall include a certification by the owner or its authorized agent, under pains and penalties of perjury, that they have inspected each unit and that it complies with all applicable laws, including but not limited to the State Sanitary Code, 105 CMR 410.00, et seq., the State Building Code, and the Town of Tisbury Zoning Bylaw.

**Number of persons restricted, Responsibility for Compliance.**

It shall be the responsibility of the property owner to ensure that the maximum occupancy of the registered units is not exceeded at any time. It shall also be the responsibility of the property owner to ensure compliance with the conditions set forth in the registration certificate and all applicable laws relative to the habitation of the units at all times.

**Fee for registration.**

There shall be an annual fee of \$115 to procure a certificate of registration for a rental unit.

**Responsibility of notification.** The Operator shall notify the occupant(s) of a rental unit, at the time of such occupancy, of the Noise, Illumination and Odors provisions of the Tisbury Zoning Bylaw

**Inspections.**

Dwelling units covered by these regulations shall be subject to an inspection as a condition of registration, and to such other reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner or their authorized representative. There shall be a fee of \$75 for inspection fee.

**Enforcement; Written notice of violation; time limits for correction.**

**I.**

The Select Board designates the Health Agent, Building Department, and Fire Department as its agents and enforcing persons for purposes of enforcement of the Bylaw and these regulations. In the event of a violation, the enforcing person shall issue a written notice of violation, specifying the nature of the violation, to the occupant and owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing, through the United States Postal Service, or by delivering in hand as memorialized by a signed statement of any Town employee or officer authorized to serve any form of process, notice to the owner or legal representative named on the registration certificate.

**II.**

Violations in an unoccupied unit shall be corrected prior to any future occupancy. Violations found in an occupied unit shall be corrected within the time specified in the notice of violation, as determined by the enforcing person and with reference to any time periods in applicable law, including the Massachusetts State Sanitary Code, Building Code, and Fire Code.

**Violations and penalties.**

Whoever violates any provision of these regulations may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, the penalty for violation shall be \$300.

Each day or portion thereof during which a violation exists shall constitute a separate offence. If more than one provision of these regulations is violated, each provision violated shall constitute a separate offence,

**Revocation or suspension of certificate of registration.**

A certificate of registration issued under the Bylaw and these regulations shall be revoked if, at any time, the Town determines that the applicable rental unit(s) is unfit as a place of

accommodation and occupancy, in accordance with applicable law . In addition, the Town may suspend and make inoperative, for a stated period of time as determined proper, the certificate of registration for any violation of the Bylaw or these regulations. No revocation or suspension shall be made until after investigation and a hearing by the Select Board, with an opportunity for the registrant to be heard. Notice of the hearing shall be given to the rental unit owner or authorized agent not less than three (3) days before the time of said hearing.

**Severability.**

Each provision of these regulations shall be construed as separate. If any part of these regulations shall be held invalid for any reason, the remainder shall continue in full force and effect.

**Operation and Effect**

These regulations shall become effective March 23, 2021.

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