



Zoning & Planning Committee
Report
City of Newton
In City Council

Monday, June 24, 2019

Present: Councilors Albright (Chair), Danberg (Vice Chair), Brousal-Glaser, Krintzman, Leary, Downs and Danberg

Absent: Councilors Kalis and Baker

Also Present: Councilors Gentile, Greenberg, Markiewicz, Schwartz, Laredo, Kellye, Crossley and Auchincloss

Planning & Development Board: Peter Doeringer (Chair), Sonia Parisca, Kevin McCormick, Christopher Steele, Rachel Powers (Staff)

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Amanda Berman (Director, Housing and Community Development), Jonah Temple (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#128-19 Zoning Amendment for short-term rentals

DIRECTOR OF PLANNING proposing to amend Chapter 30, City of Newton Zoning Ordinances, in order to create a short-term rental ordinance that defines the short-term rental and bed & breakfast uses, identifies what zoning districts they would be allowed in and under what criteria, conditions, limitations and permitting process.

Action: Zoning & Planning Approved as amended 4-0-2 (Councilors Danberg and Brousal-Glaser abstaining)

Referred to Zoning & Planning, Public Safety, and Finance Committees

#136-19 Short-term rental ordinance with fees

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

Public Safety Approved 4-0-1 (Cote abstaining; Grossman not voting) on 06/05/19

Finance Approved 4-0 (Grossman recused) on 06/10/19

Action: Zoning & Planning Approved 4-0-2 (Councilors Danberg and Brousal-Glaser abstaining)

Note: Items #128-19 and #136-19 will be discussed together. James Freas, Deputy Director of the Planning Department explained that the short-term rental ordinances were updated in response to the comments received at the June 10th public hearing. A PowerPoint was provided by Mr. Freas, which is attached to this report. Please refer to it for details.

The revised recommendations include:

- The home must be a primary residence and be lived in for a minimum of 9 months per year, which makes the short-term rental use accessory.
- A maximum of 3 bedrooms may be rented, with a maximum of 9 people.
- A maximum of 100 rental days per year are allowed.

Mr. Freas said staff also proposes that a home could also be rented to a group of affiliated individuals – a larger family, for instance. This was not included in the memo. He pointed out that the term “resident-occupied” is being used in the ordinance in place of “owner-occupied”. There could be instances where the owner allows the renter to utilize Airbnb. Staff did not want those renters excluded from the ordinance.

Committee Comments/Questions

The Chair noted that the current draft ordinance allows a maximum of three bedrooms in a home for short-term rental use instead of the previous recommendation of two. She asked how staff came to choose that number. Mr. Freas noted that state law deals with how an assessor determines the value of property being used as a bed and breakfast. It defines a property renting 3 or fewer bedrooms as a residential use, and 4 or more bedrooms as a commercial use. Staff felt three was a logical dividing line. Under the current proposal, if someone wants to rent out more than 3 bedrooms, and/or rent for more than 100 days a year, they can go through the special permit process to become a bed and breakfast.

A Councilor said rather than trying to police how long an owner is living there, how many bedrooms are being rented, how many days they are being rented or how many people are going to be there, he would like to focus on enforcement. There seem to be only a few homes that are being disruptive and it makes sense to shut those problem sites down rather than limit all the others who are conducting short-term rentals appropriately. He suggested that the “House Rules” be filed along with the registration to the City. If it is determined that the House Rules have been violated, then the property can no longer be operated for short-term rental use.

Some other Committee members agreed and would like to have the least restrictive rules in place and focus on enforcing them. The impact on the neighbors must be substantially considered, but they did not want to make the ordinance so restrictive that people who rent out their rooms to pay their property taxes and other expenses, lose that opportunity and maybe lose their home. Number of days and bedrooms restrictions are unnecessary but could be revisited if experience shows limits are needed. Sometimes families are traveling and need more than 3 rooms. There was also strong support for an owner occupancy requirement. The key to success for these properties is providing oversight. This can lead to a more successful enterprises for the owners and better experiences for the neighbors.

A Councilor said that based on the letters she has read and the testimony she heard at the public hearing, limiting the number of days or number of bedrooms would be a hardship for owners. It seems the vast majority are

doing a good job and as an affordable housing advocate, she did not see this type of housing displacing long-term renters. She did not think it was up to the City to tell people what they can do with their homes and the key is enforcement, as was mentioned earlier. Most of the residents that spoke at the public hearing noted that they live in the home and are renting out bedrooms. These are not the types of units that would be used for long-term rentals. There are about 250 short-term rentals in the City and approximately 5 of them have had complaints. The vast majority have had no complaints and some neighbors do not even know they are operating short-term rentals.

A Councilor said that while an owner-occupant requirement might be helpful, there was a case of someone owning the house next door and using it for short-term rental. Perhaps that might be allowed. Some felt that while renting out the rooms in a home while someone lives there would not take away from the long-term rental market, a house used for that primary use, could. A Councilor pointed out that a house purchased for the sole purpose of short-term rentals tears at the fabric of the neighborhoods. Those who live there permanently cannot create any bond with people who are coming and going.

A Committee member felt that 100 rental days a year, as proposed in the new draft, is a good limit. It allows homeowners to make a substantial amount of money to help with their expenses without disrupting the neighborhood. When people are constantly coming and going, it introduces a commercial enterprise into a residential neighborhood. A Councilor felt that if people want to have a business, they should open a business because there are always externalities no matter how considerate an operator might be. Those people could register as a bed and breakfast business and be allowed more rental days and more rental rooms. Short-term rentals should have more restrictions.

It was pointed out that an abutter notification requirement is in the ordinance. It was suggested that the owner send notification every year to abutters. Because this is primarily going to be a complaint driven enforcement model, letting people know that these units exist will help with compliance and people will know how to lodge complaints which in turn helps with enforcement by the City.

The Commissioner of Inspectional Services, John Lojek, said it would be extremely difficult to enforce number of bedrooms, number of days, number of occupants and number of days an owner/resident lives in the home. People could sign affidavits, but he is not sure those would be completely trustworthy. He is not allowed right of entry into people's homes unless they give permission, and most do not. There will likely be problems here and there but if there is an actual ordinance to enforce, it will make dealing with some of the complaints easier. There is currently no ordinance covering short-term rentals so it makes enforcement virtually impossible.

A Councilor said most people want to follow the law and be in compliance and agrees that enforcement of number of bedrooms, etc would be difficult as explained by Commissioner Lojek. She thinks the requirements should not be restrictive in those areas but would like to see the resident-occupancy requirement retained. The ordinance should be evaluated in a year or two to see how it is working.

It was asked how carriage houses would fit into this scenario. Mr. Freas explained that if a carriage house has been approved for an accessory apartment use, under the accessory apartment ordinance, short-term rental is not allowed. If the carriage house is not an accessory apartment, it could be used for short term rental use

because it is considered part of the main property. If there is a cooking facility in the carriage house, it is considered a separate dwelling unit and short-term rental would not be allowed. Mr. Freas noted that most of the legal accessory apartments in the city are being used for family members, so it is unlikely they are depleting the long-term rental stock.

A Committee member wondered if this was fair and if other businesses can be conducted out of a home. Councilors and staff responded there are many such as music teacher, computer programmer, therapist, etc. There are a number of other businesses that would be allowed.

It was asked if the maximum number of 9 persons supersedes the maximum allowed household size. Mr. Freas said that just for this category, it would. Also the "association of persons" category relates to people living together in a more permanent way so would not apply here.

A Committee member asked what the options would be for someone who wanted to rent more than 3 bedrooms. Mr. Freas explained that if the cap were removed from the short-term rental ordinance, the owner could rent more than 3 bedrooms, however, the assessing department might then tax it as a commercial use. The other option would be to go through the special permit process for a bed and breakfast use. It was noted that there is no requirement to provide a breakfast for a bed and breakfast use.

A Councilor asked about violations and fines. Mr. Freas noted that Somerville's newly adopted ordinance provides that if any short-term rental receives 3 or more violations of the short-term rental ordinance, any other municipal ordinance, state law or building code, the unit would be ineligible for the use for a period of 6 months. The Committee felt this would be reasonable to add to the proposed ordinance. Any violation of the suspension would be subject to a \$300 a day fine.

Committee members wanted to propose a number of amendments, so the Chair asked for straw votes on each, as follows:

- Eliminate resident-occupied requirement ("resident" means an owner or renter with permission from owner) : DENIED 1-5-0
(Krintzman in favor)
- Eliminate cap on allowed number of days: APPROVED 4-1-1
(Danberg opposed; Brousal-Glaser abstaining)
- Eliminate cap on allowed number of bedrooms and people: APPROVED 3-1-2
(Albright opposed; Danberg and Brousal-Glaser abstaining)
- Make notice to abutters an annual requirement: APPROVED 6-0
- House rules to be filed with City: APPROVED 6-0
- Change definition to be "occupant or guest" for consistency: APPROVED 6-0

- Lose license to operate for 6 months if 3 violations within 6 months: APPROVED 6-0
- \$300 a day fine for violations. Enforcement authority would be Inspectional services and the Police Department: APPROVED 6-0

Mr. Freas said the effective date was extended to September 1 in order to allow time for owners to get their fire inspections and to register with the state and city.

Councilor Krintzman moved approval as amended by the approved straw votes. The Committee voted in favor 4-0-2 (Councilors Danberg and Brousal-Glaser abstaining)

Respectfully Submitted,

Susan S. Albright, Chair

Short Term Rentals Proposed Ordinances



ZONING & PLANNING COMMITTEE
JUNE 24, 2019

Short Term Rental Proposed Ordinances



Zoning Amendment: Short Term Rentals

- Accessory Use
(secondary use to a primary residence)

Zoning Amendment: Bed & Breakfasts

- Primary Use
requiring Special Permit

General Ordinance Amendments

- City Registration of all Short-Term Rentals
- Enforcement Rules for Short-Term Rentals and Bed & Breakfasts
 - Fire Department inspection
 - \$100 filing fee
 - Notice to abutters
 - Broad set of safety and enforcement provisions

Definitions



Short-Term Rentals

- Rental of one or more rooms to guests
- Less than 30-days
- Accessory to the primary residential use of the property
- Applicable standards and requirements

HomeAway
AirBnB
VRBO
FlipKey

Definitions



Bed & Breakfast

- Rooms for one or more temporary, paying guests
- Is the primary use
- Special permit required



Osborne House Bed & Breakfast – Our Sign

Short Term Rentals: Proposed Limits - *Revised*



Short-Term Rentals: *revised limits*

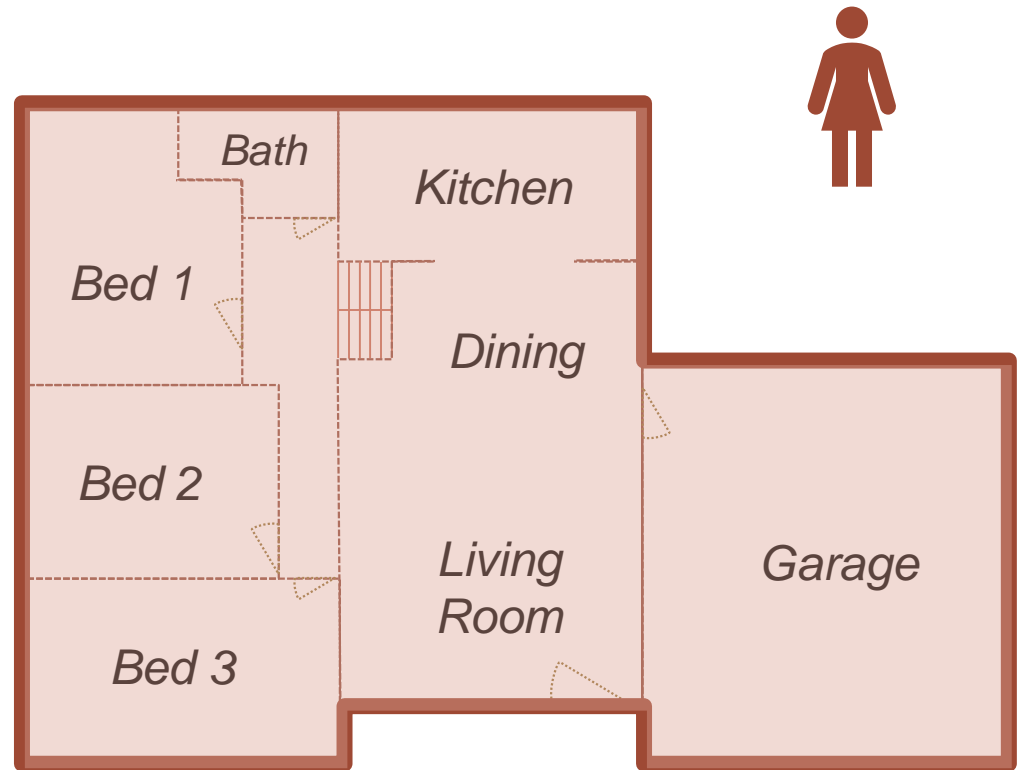
- Primary residence – 9 months min. per year
- May rent:
 - 3 room maximum
 - 100 day per year maximum
- Applicable standards and requirements

Short Term Rentals



Short-Term Rentals

- ✓ Must reside for 9 month minimum
- May rent for:
 - 3 room maximum
 - 100 day maximum
- Applicable standards and requirements



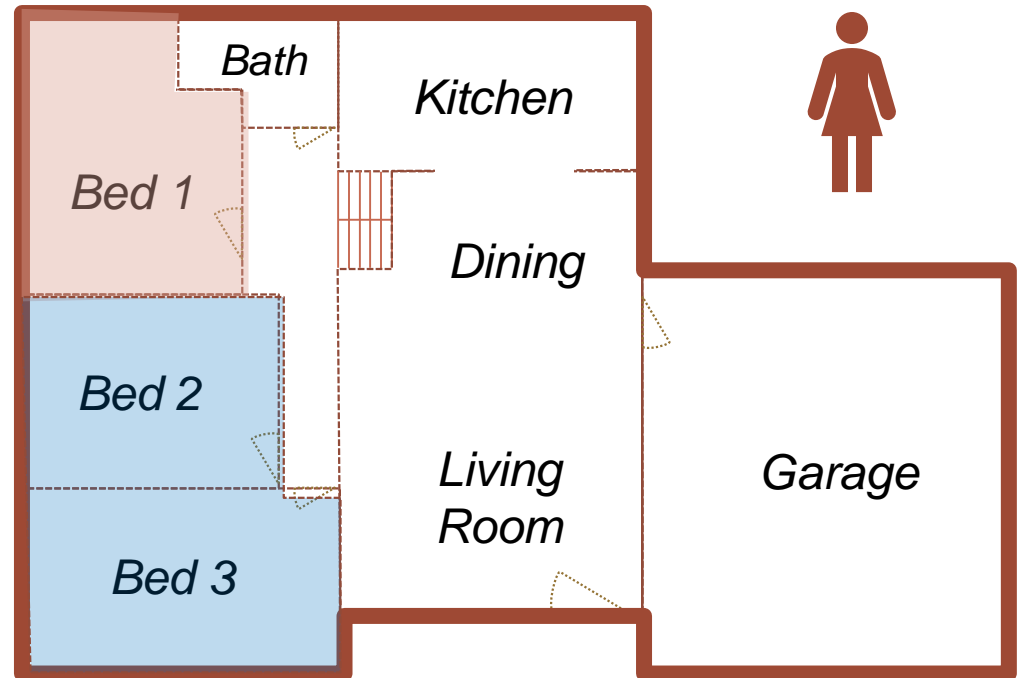
Ms. Red's House

Short Term Rentals



Short-Term Rentals

- ✓ Must reside for 9 month minimum
- May rent for:
 - ✓ 3 room maximum
 - 100 day maximum
- Applicable standards and requirements

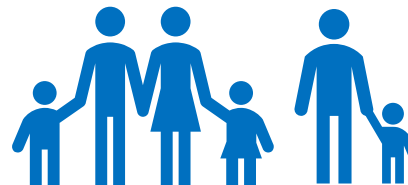
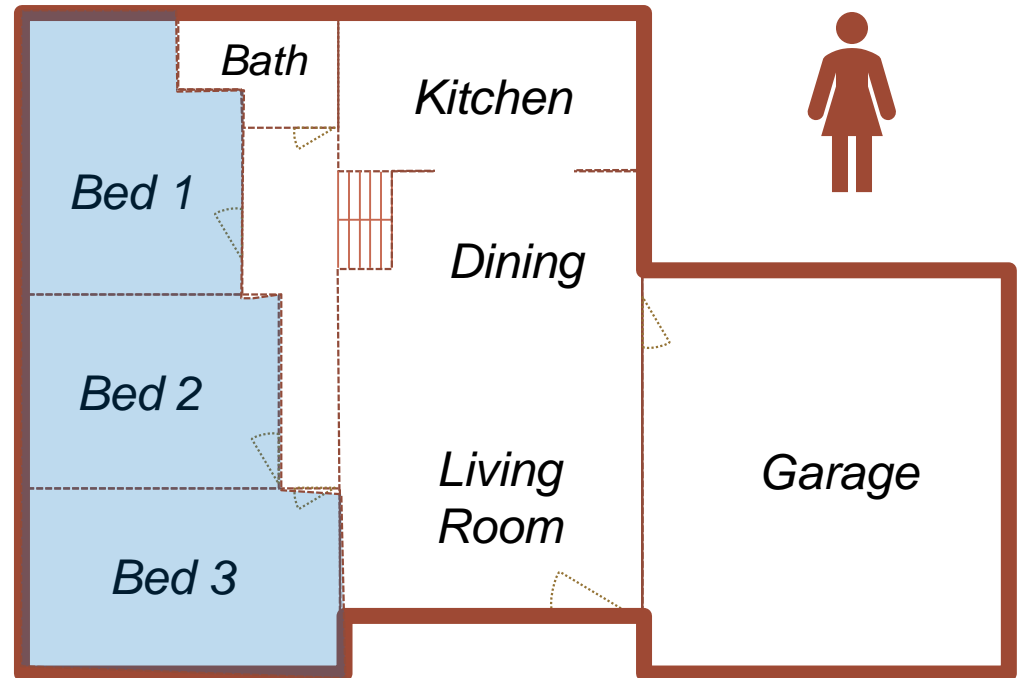


Short Term Rentals



Short-Term Rentals

- ✓ Must reside for 9 month minimum
- May rent for:
 - ✓ 3 room maximum
 - ✓ 100 day maximum
- Applicable standards and requirements

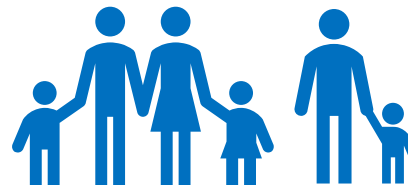
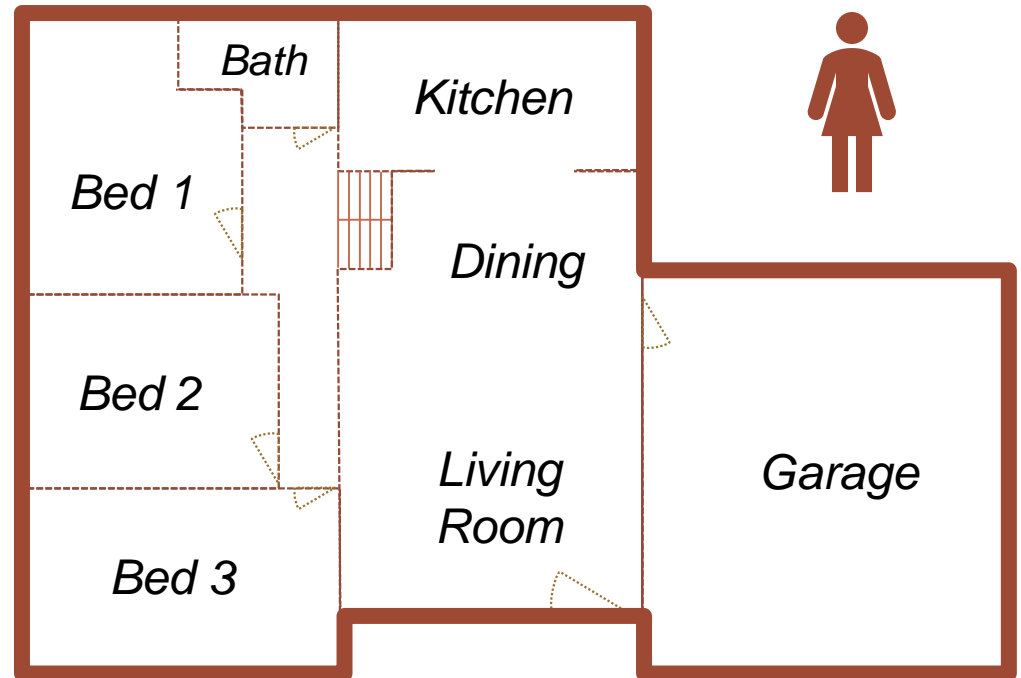


Short Term Rentals



Short-Term Rentals

- ✓ Must reside for 9 month minimum
- May rent for:
 - ✓ 1 party at a time
- Applicable standards and requirements

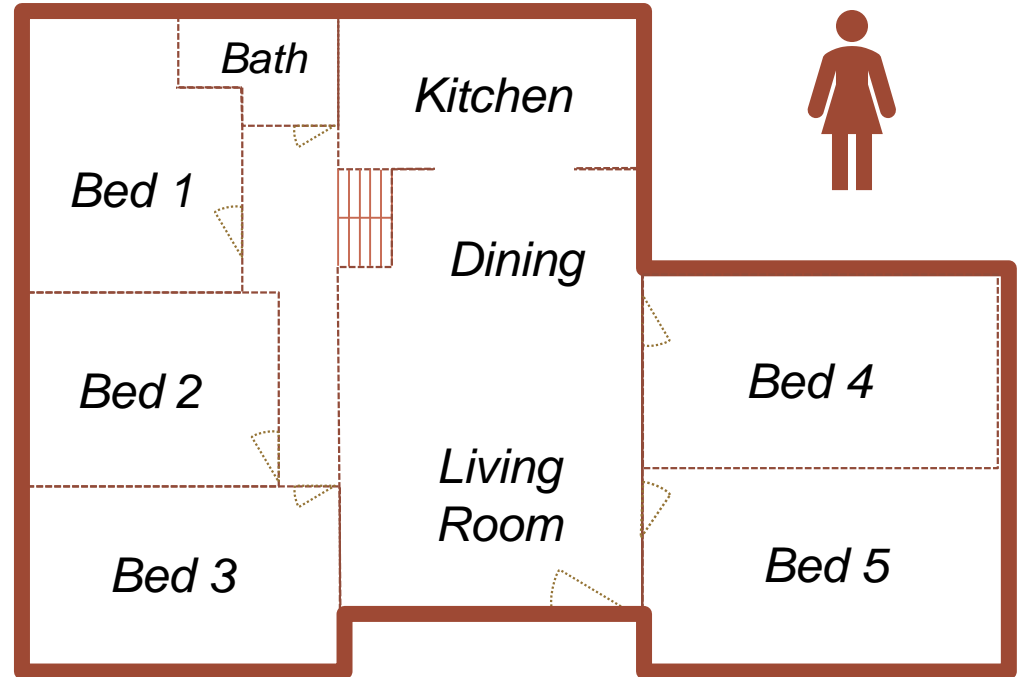


Bed & Breakfasts



Bed & Breakfasts

- Owner Occupied
- May rent for:
 - Multiple Parties
 - 4+ rooms
 - 100+ days
- Special Permit w/
conditions



Short Term Rentals: Proposed Limits - *Revised*



Short-Term Rentals: *revised limits*

- Primary residence – 9 months min. per year
- May rent to:
 - 1 party at a time maximum
 - 3 room maximum
 - 100 day per year maximum
- Applicable standards and requirements

- k. The City Council may grant a special permit for a home business involving any or all of the following:
- i. A number of nonresident employees greater than that permitted under Sec. 6.7.5.B;
 - ii. The utilization for the purpose of the home business of more than 30 percent of the ground floor area of the dwelling unit;
 - iii. The presence of more than 3 customers, pupils, or patients for business or instruction at any one time, subject to the provision of a number of parking spaces sufficient to accommodate the associated activity;
 - iv. The use of a detached accessory building, exterior structure, or land outside the residence for the primary purpose of, or accessory to the home business; provided, however, that no home business shall be permitted in any detached accessory building which is used as an accessory apartment pursuant to the provisions of Sec. Sec. 6.7.1.C. or Sec. 6.7.1.D.; and
 - v. The waiver of the off-street parking requirement.
2. In Multi-Residence Districts. The City Council may grant a special permit for a home business in accordance with standards listed in Sec. 6.7.3

(Ord. No. 191, 01/17/77; Ord. No. S-260, 08/03/87; Ord. No. T-264, 03/01/93; Ord. No. B-2, 02-20-18)

6.7.4. Scientific Research and Development Activities

- A. **Defined.** Activities necessary in connection with scientific research or scientific development or related production, accessory to activities permitted as a matter of right, so long as it is found that the proposed accessory use does not substantially derogate from the public good.
- B. **Standards.** Notwithstanding anything in this Sec. 6.7.4, no recombinant DNA research shall be permitted as an accessory use.

(Ord. No. R-238, 03/15/82)

6.7.5. Short-Term Rental

- A. **Defined.** The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.
- B. **Standards.**
1. A resident seeking to operate a Short-Term Rental must register with the City in accordance with Sec. 20-162 of the Revised Ordinances of the City of Newton.
 2. The short-term rental accessory use is permitted in any residential use, excluding congregate living, elderly housing, lodging house, dorms, and similar.
 3. There may be no signage associated with a Short-Term Rental.
 4. The burden of proof is placed on the resident registered with the City as the operator of the Short-Term Rental to demonstrate that they are operating within the limits of this section.
 5. The resident of the dwelling unit must occupy the dwelling unit for a minimum of 9 out of 12 months during each calendar year.
 6. Temporary During Leasing. Short-Term Rentals in multi-unit buildings with a minimum of 10 units in a business or mixed-use district may occupy residential units with short-term rentals for up to six months while units marketed as for rent are vacant by special permit. Units designated as affordable may not be used as short-term rentals. Temporary Short-Term Rentals must register with the City as per Sec. B.1 above.
 7. The effective date for this section 6.7.5 is September 1, 2019.

6.7.6. Watchman or Caretaker

- A. **Defined.** [reserved]

6.7.7. Food Trucks

- A. **Intent.** Food Trucks are intended to advance the following:
1. Bring variety to the availability of local food establishments;

of the institutional use and for those exceeding 10 acres of land, the vegetative buffer shall be a minimum of 100 feet, and for those exceeding 20 acres of land, the vegetative buffer shall be a minimum of 150 feet.

(Rev. Ords. 1973 §24-1; Ord. No. S-260, 08/03/87; Ord. No. S-287, 12/07/87)

6.3.15. Theatre, Hall

A. **Defined.** [reserved]

Sec. 6.4. Commercial Uses

6.4.1. Animal Service

A. **Defined.** Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding.

(Ord. No. A-4, 10/01/12)

6.4.2. ATM, Standalone

A. **Defined.** A standalone automated teller machine (ATM) not located on the same lot as a bank, trust company or other banking institution.

6.4.3. Bakery, Retail

A. **Defined.** A bakery selling products at retail and only on premise.

6.4.4. Bank

A. **Defined.** Bank, trust company or other banking institution.

B. **Standards.**

1. Drive-in facilities are prohibited in the Business 1 through 4, Mixed Use 1 and 2, and Limited Manufacturing districts.

(Ord. No. S-260, 08/03/87; Ord. No. T-12, 03/20/89; Ord. No. T-75, 03/05/90)

6.4.5. Bed & Breakfast

A. **Defined.** A single unit residential building providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Rooms may be independently let to unrelated or unaffiliated guests.

B. **Required Standards.**

1. A bed & breakfast use must be owner occupied.

2. A common gathering space, such as a parlor, dining room, or living room, must be maintained for guest use.

3. Cooking facilities are not permitted in guest rooms.

6.4.6. Bowling Alley

A. **Defined.** [reserved]

6.4.7. Business Incubator

A. **Defined.** [reserved]

6.4.8. Business Services

A. **Defined.** [reserved]

6.4.9. Car-Sharing Service, Car Rental, Bike Rental, Electric Car-Charging Station

A. **Defined.** [reserved]

6.4.10. Car Wash

A. **Defined.** An establishment for washing automobiles where 3 or more vehicles may be washed simultaneously.

(Rev. Ords. 1973 §24-1)

6.4.11. Country Club Facilities

A. **Defined.** Dining rooms, conference or meeting facilities and clubhouses associated with a country club or golf course.

6.4.12. Drive-In Business

A. **Defined.** A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle. Includes drive-in food establishments.

(Ord. No. 312, 02/05/79)

6.4.13. Dry Cleaning or Laundry, Retail

A. **Defined.** [reserved]

6.4.14. Fast Food Establishment

A. **Defined.**

Sec. 3.4. Allowed Uses

3.4.1. Residential Districts Allowed Uses

Residential Districts	SR1	SR2	SR3	MR1	MR2	MR3	MR4	Definition/ Listed
								Standards
Residential Uses								
Single-family, detached	P	P	P	P	P	P	P	Sec. 6.2.1
Two-family, detached	--	--	--	P	P	P	P	Sec. 6.2.2
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.3
Multi-family dwelling	--	--	--	--	SP	SP	SP	Sec. 6.2.4
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.6
Lodging house	--	--	--	SP	SP	SP	SP	Sec. 6.2.7
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.8
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.9
Dormitory (20+ persons)	L	L	L	L	L	L	L	Sec. 6.2.9
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.12
Residential care facility	--	--	--	--	--	SP	SP	Sec. 6.2.13
Civic/Institutional Uses								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.2
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	Sec. 6.3.4
Hospital	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.8
Nonprofit institution	--	--	--	SP	SP	SP	SP	Sec. 6.3.9
Public use	L	L	L	L	L	L	L	Sec. 6.2.10
Religious institution	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	Sec. 6.7.4
Commercial Uses								
Bed & Breakfast	SP	SP	SP	SP	SP	--	--	Sec. 6.4.5
Funeral home	--	--	--	--	SP	SP	--	Sec. 6.4.15
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	Sec. 6.4.27
Industrial Uses								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	Sec. 6.9
Open Space Uses								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	Sec. 6.6.1
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.1
Resource extraction	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.4
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.5

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

3.4.2. Accessory Uses Allowed

- A. By Right in All Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:
1. Housing of resident domestic employees;
 2. Renting of rooms for not more than 3 lodgers;
 3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
 4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
 5. Home businesses subject to Sec. 6.7.3; and
 6. Accessory apartments, subject to Sec. 6.7.1.
 7. Short-term rentals, subject to Sec. 6.7.5.
- B. By Special Permit in All Residence Districts.**

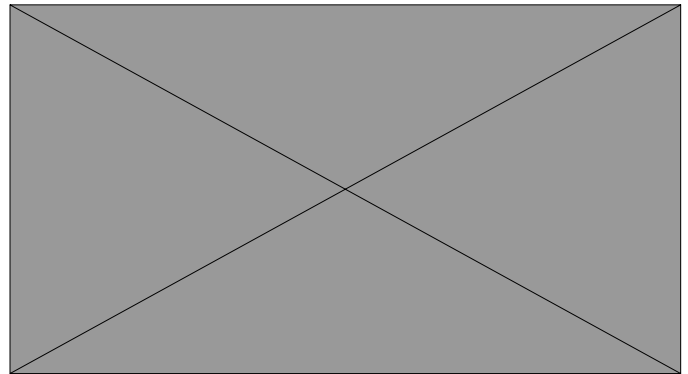
The text of section 3.4.2.B.1 is in effect until December 31, 2019. After that date refer to section 3.4.4.

1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

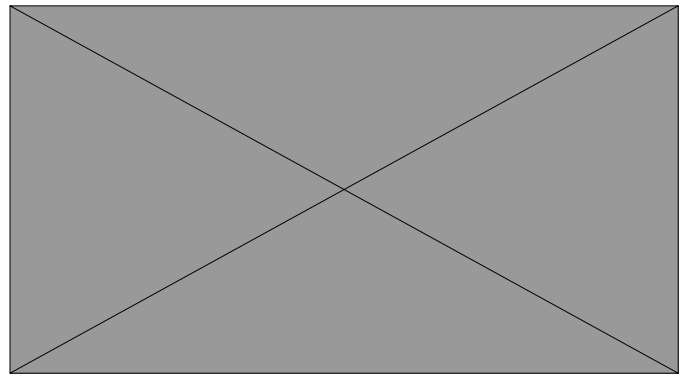
(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99; Ord. No. A-78, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-99, 01/17/17; Ord. Nol. A-105, 03/06/17)

3.4.3. Accessory Buildings

- A.** Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	Sec. 6.4.4
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	Sec. 6.4.4
Bed & Breakfast	SP	SP	--	--	--	--	--	--	--	--	--	Sec. 6.4.5
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	Sec. 6.4.5
Business incubator	P	P	P	P	--	P	P	P	--	P	p	Sec. 6.4.6
Business services	--	--	--	--	--	SP	P	--	--	--	--	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station	P	P	P	P	P	P	P	P	P	--	P	Sec. 6.4.8
Car wash	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.4.9
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	Sec. 6.4.11
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	Sec. 6.4.12
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	Sec. 6.4.13
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.14
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	Sec. 6.4.15
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	Sec. 6.4.16
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	Sec. 6.4.18
Kennel	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.4.19
Office	P	P	P	P	P	P	P	L	L/SP	P	P	Sec. 6.4.20
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	Sec. 6.4.21
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	Sec. 6.4.22
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	--	P	P	--	P	P	P/SP	Sec. 6.4.24
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	--	SP	SP	SP	Sec. 6.4.24
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	P	SP	SP	Sec. 6.4.24
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	SP	SP	SP	Sec. 6.4.24
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.25
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.4.25

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

[CHAPTER 20]
Article IX
SHORT TERM RENTALS

Sec. 20-160. Definitions.

The meaning of the terms used in this article shall be as follows:

- (a) *Commissioner*: The commissioner of inspectional services.
- (b) *Operator*: A person operating a short-term rental in the City including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.
- (c) *Occupancy*: The use or possession or the right to the use or possession of a room in a Short Term Rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days to one person or party, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.
- (d) *Occupant or Guest*: A person who uses, possesses or has a right to use or possess a room in a Short Term Rental for rent under a lease, concession, permit, right of access, license or agreement.
- (e) *Short Term Rental*: The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

Any terms not expressly defined in this article shall have the meaning prescribed by Massachusetts General Laws Chapter 64G, Section 1.

Sec. 20-161. Requirements for Short Term Rentals

- (a) Compliance. No Residential Unit shall be offered as a Short Term Rental except in compliance with the provisions of this section of the Newton Ordinances.
- (b) Registration. Operators of any Short Term Rental located in the City of Newton must register with the City in accordance with Sec. 20-162 of this ordinance.
- (c) No Outstanding Code Enforcement or Building Permits. Operators are prohibited from renting any Short Term Rental if the property is subject to an outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices, or if there are any outstanding building permits for the property.
- ~~(e)~~(d) Three or More Violations in a Six Month Period. Should a property receive three or more violations within a six month period under this section, or of any municipal ordinance, state law, or building code, any residential unit within the property shall be

ineligible to be used as a Short Term Rental for a period of six months from the third or subsequent violation.

(e) Annual Certification. All Operators must file with the Inspectional Services Department a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes. Such certification shall be filed annually on the first business day of January.

~~(d)~~(f) Annual Notice to Abutters. In addition to the abutter notice required upon registration set forth in Sec. 20-161 of this ordinance, all Operators must provide an annual notice of a registered Short Term Rental to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall be provided annually on the first business day of January and shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.

Sec. 20-162. Registration Requirements.

Operators must register with the Inspectional Services Department prior to the occupancy of any Short Term Rental that commences after July 1, 2019 by submitting the following:

- (a) State Certificate. A copy of the State certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.
- (b) Local Operator Affidavit. A completed Local Operator Affidavit, in a form established by the Inspectional Services Department, that at minimum contains the following information:
 - 1) Contact information of Operator and agent/point of contact;
 - 2) Location of all Short Term Rentals in City owned by operator;
 - 3) Description of operation and number of rooms/units that will be rented;
 - 4) Confirmation that there are no outstanding code enforcement or outstanding building permits;
 - 5) Signature of Operator certifying that Short Term Rental conforms to this ordinance and no outstanding code violations.
- (c) Smoke and Carbon Monoxide Certificate of Compliance. All Short Term Rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Sec. 10-11 of these Ordinances and Massachusetts General Laws Chapter 148, Section 26E. Operators must schedule an inspection with the Fire Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior to the first occupancy commencing after July 1, 2019. Operators shall be responsible for the smoke detector inspection/permit fee to be paid directly to the Fire Department as set forth in Sec. 17-10 of these Ordinances.

(d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with Sec. 20-165 of this ordinance.

~~(d)~~(e) Registration Filing Fee. At the time of registration, Operators must pay a filing fee of \$100, an amount established by the City Council. All applicable inspection fees shall be paid directly to the inspecting department at the time of inspection.

~~(e)~~(f) Local Contact. When registering, an Operator must provide his or her name and contact information, and, in the event that the Operator is not present during the Short Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to short term rental occupants and public safety agencies. This phone number shall be included in the registration of the Short Term Rental unit at the time of registration. Failure of the local contact to respond within the stated period shall constitute a violation of this ordinance.

~~(f)~~(g) Proof of Residence. When registering an Accessory Short Term Rental, an Operator must provide evidence that he or she resides in the dwelling unit a minimum of 275 days during each calendar year, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license or state-issued identification.

~~(g)~~(h) Permission of Owner. An Operator must certify at the time of registration that he or she is the owner of the Short Term Rental or has permission from the owner to operate the Short Term Rental.

~~(h)~~(i) Notice to Abutters. The Operator shall, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.

Sec. 20-163. Inspections.

(a) The Inspectional Services Department, Health and Human Services Department, and Fire Department may conduct inspections of any Short Term Rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

Sec. 20-164. Compliance with City Ordinances and State and Local Codes.

(a) All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

(b) Short Terms Rentals shall not produce noise, vibration, glare, fumes, odors, traffic or parking congestion beyond that which normally occurs in the immediate residential area, nor shall any Short Term Rental result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood.

Sec. 20-165. Responsibilities of Operators.

- (a) General Responsibility. The Operator shall be responsible for the proper supervision, operation, and maintenance of the Short Term Rental in accordance with the requirements of this article and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the Operator from responsibility for full compliance with the law.
- (b) Commercial Events Prohibited. A Short Term Rental property shall not be used for a commercial event during its occupancy as a Short Term Rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
- (c) Agreements with Occupants. Operators may not enter into any rental agreements that are inconsistent with the terms of this article.
- (d) Minors. No Short Term Rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.
- (e) Occupant Registries. The Operator of every Short Term Rental must maintain, in permanent form, a registry log of occupants. It must include the names and home addresses of occupants, occupant's license plate numbers if traveling by car, dates of stay, and the room assigned to each occupant. The registry log must be available for inspection by any City official upon request.
- (f) Fire Prevention Notice. Operators shall post in a visible place inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.
- (g) House Rules. Operators shall institute house rules as necessary to prevent the Short Term Rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.
 - 1) House rules should make occupants aware of the City's ordinances and the Operator's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:
 - i. Noise control, including use of audio equipment that may disturb the peace
 - ii. Adherence to laws regarding disorderly behavior
 - iii. Proper garbage disposal
 - iv. Location of parking stalls on the property
 - v. Neighborhood parking regulations and restrictions
 - vi. Occupancy limits according to the City's Zoning Ordinance
 - vii. Any other provisions as may be required by City Officials.

- 2) Operators shall ensure all occupants are aware of the house rules by distributing them prior to the date of occupancy and posting them in a visible place.
- (h) Egress and Access. Operators shall be responsible for ensuring that adequate egress is provided in accordance with the Massachusetts State Building Code, 780 CMR.
- (i) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.
- (j) Burden of Proof. The burden of proof is placed on the Operator to demonstrate that they are operating within the limits of this article.
- (k) False Information. Submission of false information shall be cause for the Commissioner to suspend or terminate an Operator's right to operate an accommodation.

Sec. 20-166. Enforcement, Violations and Penalties.

- (a) Enforcement. The Inspectional Services Department and the Newton Police Department or their designees shall be responsible for enforcement of this ordinance, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.
- (b) Notice of violation. The Commissioner or designee shall issue a written notice of any violation of this article to the Operator. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in Sec. 20-166(c) of this ordinance~~these Ordinances at sec. 5-22 (g)~~.
- (c) Penalties. Any Operator who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a Short Term Rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Commissioner shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(c).
- (d) Violations of building, health, or fire code. Any action by the Commissioner to suspend, terminate or issue fines under this section shall not bar any other separate action by any other City Department for health, fire safety, building code or any other violations.
- (e) Failure to Register. Any person who offers or operates a Short Term Rental without first registering with the City shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 20-167. Effective Date.

This Ordinance shall take effect on September 1, 2019.

Sec. 20-168. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

Sec. 20-169. Reserved.

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

June , 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

I. INSERT a new section 6.7.5 as follows and renumber the remaining paragraphs of Section 6.7 accordingly:

6.7.5 SHORT TERM RENTAL

- A. Defined. The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.
- B. Standards.
 - 1. A resident seeking to operate a Short-Term Rental must register with the City in accordance with Sec. 20-162 of the Revised Ordinances of the City of Newton.
 - 2. The short-term rental accessory use is permitted in any residential use, excluding congregate living, elderly housing, lodging house, dorms, and similar.
 - 3. There may be no signage associated with a Short-Term Rental.
 - 4. The burden of proof is placed on the resident registered with the City as the operator of the Short-Term Rental to demonstrate that they are operating within the limits of this section.
 - 5. The resident of the dwelling unit must occupy the dwelling unit for a minimum of 9 out of 12 months during each calendar year.

- 6. Temporary During Leasing. Short-Term Rentals in multi-unit buildings with a minimum of 10 units in a business or mixed-use district may occupy residential units with short-term rentals for up to six months while units marketed as for rent are vacant by special permit. Units designated as affordable may not be used as short-term rentals. Temporary Short-Term Rentals must register with the City as per Sec. B.1 above.
- 7. The effective date for this section 6.7.5 is September 1, 2019.

II. INSERT a new section 6.4.5 as follows and renumber the remaining paragraphs of Section 6.4 accordingly:

6.4.5 Bed & Breakfast

- A. Defined. A single unit residential building providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Rooms may be independently let to unrelated or unaffiliated guests.
- B. Required Standards.
 - 1. A bed & breakfast use must be owner occupied.
 - 2. A common gathering space, such as a parlor, dining room, or living room, must be maintained for guest use.
 - 3. Cooking facilities are not permitted in guest rooms.

III. INSERT in Table 3.4.1. Residential Districts Allowed Uses the following new row directly under the heading “Commercial Uses”:

Bed & Breakfast	SP	SP	SP	SP	SP	--	--	6.4.5
-----------------	----	----	----	----	----	----	----	-------

IV. INSERT in Sec. 3.4.2.A the following language:

- 7. Short-term rentals, subject to Sec. 6.7.5.

V. INSERT in Table 4.4.1 Business, Mixed Use & Manufacturing Districts after the row “Banks, over 5,000 square feet”, the following new row:

Bed & Breakfast	SP	SP	--	--	--	--	--	--	--	--	6.4.5
-----------------	----	----	----	----	----	----	----	----	----	----	-------

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

June , 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 20** as follows:

- I. **INSERT, after Section 20-159 of ARTICLE VIII of CHAPTER 20 a new ARTICLE IX. SHORT TERM RENTALS as follows:**

**Article IX
SHORT TERM RENTALS**

Sec. 20-160. Definitions.

The meaning of the terms used in this article shall be as follows:

- (a) *Commissioner*: The commissioner of inspectional services.
- (b) *Operator*: A person operating a short-term rental in the City including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.
- (c) *Occupancy*: The use or possession or the right to the use or possession of a room in a Short Term Rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days to one person or party, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.
- (d) *Occupant or Guest*: A person who uses, possesses or has a right to use or possess a room in a Short Term Rental for rent under a lease, concession, permit, right of access, license or agreement.

- (e) *Short Term Rental*: The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

Any terms not expressly defined in this article shall have the meaning prescribed by Massachusetts General Laws Chapter 64G, Section 1.

Sec. 20-161. Requirements for Short Term Rentals

- (a) Compliance. No Residential Unit shall be offered as a Short Term Rental except in compliance with the provisions of this section of the Newton Ordinances.
- (b) Registration. Operators of any Short Term Rental located in the City of Newton must register with the City in accordance with Sec. 20-162 of this ordinance.
- (c) No Outstanding Code Enforcement or Building Permits. Operators are prohibited from renting any Short Term Rental if the property is subject to an outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices, or if there are any outstanding building permits for the property.
- (d) Three or More Violations in a Six Month Period. Should a property receive three or more violations within a six month period under this section, or of any municipal ordinance, state law, or building code, any residential unit within the property shall be ineligible to be used as a Short Term Rental for a period of six months from the third or subsequent violation.
- (e) Annual Certification. All Operators must file with the Inspectional Services Department a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes. Such certification shall be filed annually on the first business day of January.
- (f) Annual Notice to Abutters. In addition to the abutter notice required upon registration set forth in Sec. 20-161 of this ordinance, all Operators must provide an annual notice of a registered Short Term Rental to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall be provided annually on the first business day of January and shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.

Sec. 20-162. Registration Requirements.

Operators must register with the Inspectional Services Department prior to the occupancy of any Short Term Rental that commences after September 1, 2019 by submitting the following:

- (a) State Certificate. A copy of the State certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.
- (b) Local Operator Affidavit. A completed Local Operator Affidavit, in a form established by the Inspectional Services Department, that at minimum contains the following information:
 - 1) Contact information of Operator and agent/point of contact;
 - 2) Location of all Short Term Rentals in City owned by operator;
 - 3) Description of operation and number of rooms/units that will be rented;
 - 4) Confirmation that there are no outstanding code enforcement or outstanding building permits;
 - 5) Signature of Operator certifying that Short Term Rental conforms to this ordinance and no outstanding code violations.
- (c) Smoke and Carbon Monoxide Certificate of Compliance. All Short Term Rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Sec. 10-11 of these Ordinances and Massachusetts General Laws Chapter 148, Section 26E. Operators must schedule an inspection with the Fire Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior to the first occupancy commencing after September 1, 2019. Operators shall be responsible for the smoke detector inspection/permit fee to be paid directly to the Fire Department as set forth in Sec. 17-10 of these Ordinances.
- (d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with Sec. 20-165 of this ordinance.
- (e) Registration Filing Fee. At the time of registration, Operators must pay a filing fee of \$100, an amount established by the City Council. All applicable inspection fees shall be paid directly to the inspecting department at the time of inspection.
- (f) Local Contact. When registering, an Operator must provide his or her name and contact information, and, in the event that the Operator is not present during the Short Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to short term rental occupants and public safety agencies. This phone number shall be included in the registration of the Short Term Rental unit at the time of registration. Failure of the local

contact to respond within the stated period shall constitute a violation of this ordinance.

- (g) Proof of Residence. When registering an Accessory Short Term Rental, an Operator must provide evidence that he or she resides in the dwelling unit a minimum of 275 days during each calendar year, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license or state-issued identification.
- (h) Permission of Owner. An Operator must certify at the time of registration that he or she is the owner of the Short Term Rental or has permission from the owner to operate the Short Term Rental.
- (i) Notice to Abutters. The Operator shall, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.

Sec. 20-163. Inspections.

- (a) The Inspectional Services Department, Health and Human Services Department, and Fire Department may conduct inspections of any Short Term Rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

Sec. 20-164. Compliance with City Ordinances and State and Local Codes.

- (a) All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- (b) Short Terms Rentals shall not produce noise, vibration, glare, fumes, odors, traffic or parking congestion beyond that which normally occurs in the immediate residential area, nor shall any Short Term Rental result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood.

Sec. 20-165. Responsibilities of Operators.

- (a) General Responsibility. The Operator shall be responsible for the proper supervision, operation, and maintenance of the Short Term Rental in accordance with the requirements of this article and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the Operator from responsibility for full compliance with the law.
- (b) Commercial Events Prohibited. A Short Term Rental property shall not be used for a commercial event during its occupancy as a Short Term Rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
- (c) Agreements with Occupants. Operators may not enter into any rental agreements that are inconsistent with the terms of this article.
- (d) Minors. No Short Term Rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.
- (e) Occupant Registries. The Operator of every Short Term Rental must maintain, in permanent form, a registry log of occupants. It must include the names and home addresses of occupants, occupant's license plate numbers if traveling by car, dates of stay, and the room assigned to each occupant. The registry log must be available for inspection by any City official upon request.
- (f) Fire Prevention Notice. Operators shall post in a visible place inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.
- (g) House Rules. Operators shall institute house rules as necessary to prevent the Short Term Rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.
 - 1) House rules should make occupants aware of the City's ordinances and the Operator's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:
 - i. Noise control, including use of audio equipment that may disturb the peace
 - ii. Adherence to laws regarding disorderly behavior
 - iii. Proper garbage disposal
 - iv. Location of parking stalls on the property
 - v. Neighborhood parking regulations and restrictions
 - vi. Occupancy limits according to the City's Zoning Ordinance
 - vii. Any other provisions as may be required by City Officials.

- 2) Operators shall ensure all occupants are aware of the house rules by distributing them prior to the date of occupancy and posting them in a visible place.
- (h) Egress and Access. Operators shall be responsible for ensuring that adequate egress is provided in accordance with the Massachusetts State Building Code, 780 CMR.
- (i) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.
- (j) Burden of Proof. The burden of proof is placed on the Operator to demonstrate that they are operating within the limits of this article.
- (k) False Information. Submission of false information shall be cause for the Commissioner to suspend or terminate an Operator's right to operate an accommodation.

Sec. 20-166. Enforcement, Violations and Penalties.

- (a) Enforcement. The Inspectional Services Department and the Newton Police Department or their designees shall be responsible for enforcement of this ordinance, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.
- (b) Notice of violation. The Commissioner or designee shall issue a written notice of any violation of this article to the Operator. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in Sec. 20-166(c) below.
- (c) Penalties. Any Operator who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a Short Term Rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Commissioner shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(c).

(d) Violations of building, health, or fire code. Any action by the Commissioner to suspend, terminate or issue fines under this section shall not bar any other separate action by any other City Department for health, fire safety, building code or any other violations.

(e) Failure to Register. Any person who offers or operates a Short Term Rental without first registering with the City shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 20-167. Effective Date.

This Ordinance shall take effect on September 1, 2019.

Sec. 20-168. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

Sec. 20-169. Reserved.

AND

II. INSERT in Section 17-23 (c) the following language:

Sec. 20-161 Short Term Rentals, Requirements.....	
\$300.00	
Sec. 20-162 Short Term Rentals, Registration Requirements	
\$300.00	
Sec. 20-164 (a) (b) Short Term Rentals, Compliance with City Ordinances and State and Local Codes	\$300.00
Sec. 20-165 Short Term Rentals, Responsibilities of Operators	
\$300.00	
Sec. 20-166 (e) Short Term Rentals, Failure to Register	
.....	\$300.00

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor