

RESIDENTIAL RENTAL PROPERTY REGULATIONS

The effective date of these regulations shall be ____, 2013.

1. **Purpose.** In accordance with the Town of Amherst's Home Rule Authority **and the Amherst Master Plan**, and to protect the health, safety, and welfare of the inhabitants of the Town, this by-law is adopted to authorize agents of the Town of Amherst to inspect residential rental properties [and to issue, renew, suspend, revoke, and refuse permits]* for such properties in Amherst in furtherance of the following public purposes:

* Provisional language not yet agreed upon by the working group.

- a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Amherst **by extending and expanding compliance with basic life safety and sanitary codes through the registration and permitting of residential rental properties.**
- b. To ensure safe and sanitary conditions in ~~the stock of rental housing in the town~~ **Amherst's rental housing stock, preventing degradation and helping to promote preservation of important historic residential buildings and neighborhoods.**
- c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, **and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.**
- d. To ~~help ensure a diverse supply of housing affordable to a wide range of Amherst residents~~ **establish and assign responsibility for different aspects of rental housing management.**
- e. **To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.**
- f. **To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, neighbors, and code officials.**
- g. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing **diverse, multi-generational** residential neighborhoods for all residents, including families and students, consistent with Amherst's long history as a college community.
- h. ~~To promote preservation of the structure and character of important historic residential buildings and neighborhoods.~~

2. **Permit Required.** No person, firm, trust, partnership, corporation or other legal entity may rent to individuals or households any dwelling unit nor any rooming unit in a lodging or boarding house being

operated as a principal zoning use in the Town of Amherst until the unit has been registered and a rental permit therefore has been issued by the code official.

Sources: ~~State College, PA~~

- 3. Enabling Legislation & Regulations.** All inspections, enforcement, and other actions taken under these regulations are authorized under:
- a. **Local Regulations.** All applicable local regulations, including but not limited to:
 - Town of Amherst General By-Laws
 - Amherst Zoning Bylaw
 - Amherst Board of Health Regulations.
 - b. **State Law.** All applicable Massachusetts General Laws, including but not limited to:
 - MGL Chapter 40A (Zoning)
 - MGL Chapter 143 (Inspection & Regulation).
 - c. **State Regulations.** All applicable Commonwealth of Massachusetts Regulations (CMR), including but not limited to:
 - 780 CMR (State Building Code and all referenced national and international codes)
 - 105 CMR 410 (State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation)
 - 310 CMR 7.10 (Department of Environmental Protection, Air Pollution Control, Noise)
 - 527 CMR (Board of Fire Prevention Regulations)
 - 521 CMR (Architectural Access Board Regulations)
- All as may be subsequently revised or amended.
- 4. Applicability & Exemptions.** These regulations apply as specified herein to all residential dwelling units leased or rented within the Town of Amherst, whether tenancy is pursuant to a written instrument, is for a fixed term, or is at will. These regulations shall apply to rooming units in lodging or boarding houses operated as principal uses under Amherst's Zoning Bylaw.
- a. Exemptions. The provisions of these regulations shall not apply to the following:
 - 1) Accessory lodging or boarding uses (rooms) operated in owner-occupied single family dwellings in conformance with Amherst's Zoning Bylaw.
 - 2) Hotels, motels, inns, hostels, bed and breakfasts, or similar facilities for short-term overnight or transient lodging.
 - 3) Residential facilities authorized and operated under state and federal law, including congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance

abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts.

5. **Definitions.** Definitions of terms used in the regulations.

Under these regulations, the following terms have the meanings indicated:

Blight – means any condition that seriously impairs the value, condition, strength, durability or appearance of real property, including real property owned or occupied by an Interested Party as herein defined.

Building – means a structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of materials, to form shelter for persons, animals or property. See Structure below.

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Amherst, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of these regulations.

Dwelling – means every building or shelter including but not limited to rooming houses and temporary housing which is used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to affect noncompliance with the provisions of 105 CMR 410.000.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

Dilapidated – means a condition of decay or partial ruin which exists by reason of neglect, misuse or deterioration. The term includes, but is not limited to:

- a. property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows.
- b. property having defective weather protection for exterior wall covering or demonstrating deleterious weathering due to lack of sound weather protection or other protective covering such that the property is not structurally sound.
- c. personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise, due to deterioration, is unsuitable for the purpose for which designed.

Emergency – in addition to those events involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property, an emergency shall also be understood to represent any violation of any health or safety code, regulation, or law enforceable by a code official.

Hazard - means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

Interested Parties –means the code official, owner(s) and occupants of any subject property under these regulations, owners and/or occupants of property directly opposite the subject property on any public or private street or way, and owners and/or occupants of property abutting and within 300 feet of the property line of the subject property.

Nuisance Property – means any property exhibiting substantial interference with the common interest of the general public in maintaining safe and sanitary structures that are not dilapidated, and the preservation and stabilization of neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the Amherst Zoning Bylaw shall not create an exemption from the application of this bylaw. See Section 10. A nuisance property may exhibit, but is not limited to, the following characteristics:

- a. structures or parts of structures not otherwise lawfully habitable or usable as a result of fire, wind, other natural disaster or physical deterioration;
- b. dilapidated real or personal property, including but not limited to any vacant dwelling, garage, shed or other outbuilding not kept securely locked, windows kept intact and glazed or securely boarded; and otherwise protected to prevent unauthorized entrance;
- c. dangerous or unsafe structures or personal property;
- d. overgrown vegetation which may provide habitat for or harbor rats or other vermin, which may conceal pools of stagnant water in which disease-carrying insects may breed, or other nuisances such as debris or trash which are detrimental to the health and safety or value of neighboring properties;
- e. dead, decayed, diseased or damaged trees which represent a potential hazard on or off of the subject property;
- f. illegal signs, as defined by the Zoning Bylaw;
- g. personal property that is exposed to the elements without protection against deterioration, rust, or dilapidation;
- h. vehicles, machinery, or mechanical equipment or parts thereof consisting of or containing materials, fluids, fuels, noxious or toxic chemicals or other substances, where located on soil grass, or other porous surfaces liable to result in the destruction of vegetation or leachate contamination of the soil;
- i. in any residential zoning district, the keeping of more than one commercial vehicle, or of a tractor that exceeds a gross weight of three quarters (3/4) of a ton for hauling of a van or trailer as defined by the Registry of Motor Vehicles, when not directly associated with agricultural uses as defined in state law or otherwise authorized and permitted under Amherst's zoning or other regulations;

- j. any vehicle meeting the definition of a junked vehicle under the provisions of the Town of Amherst General By-Laws;
- k. personal property which has been placed for the collection of rubbish or refuse in violation of policies approved by the Superintendent of Public Works, or which has been left without removal within public view for a period of more than seven (7) days.

Occupant – means a person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner – means every person who alone or jointly or severally with others:

- a. has legal title to any building, structure, or property to this bylaw, or;
- b. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- c. is a lessee under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person appointed by the courts.

Owner-Occupant(s) – One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

Person – means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

Premises – means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

Principal Residence - means the primary residence of an individual, family (as defined in this Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the code official based upon a preponderance of evidence, including but not limited to the following indices of residency

and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

Lodging or Boarding House – means a residential use as defined under Amherst’s Zoning Bylaw as being housed in a single dwelling or in part of a dwelling where no fewer than six (6) but not more than ten (10) unrelated persons are let or sublet lodging in private rooms or quarters not constituting dwelling units for definite periods of time, and where there are no overnight stays by transient guests. The building shall be occupied by the owner of the property or the manager of the use. Meals may or may not be provided by the establishment provided, but only one common kitchen facility shall exist and no meals shall be to members of the general public not lodged in the establishment. Lodging or boarding houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the Commonwealth.

Rooming Unit – means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

Structure – means a combination of materials, whether wholly or partially level with, above, or below the surface of the ground, whether permanent or temporary, including but not limited to structures assembled at a fixed location to give support, shelter or enclosure such as a building (see above), framework, retaining wall, stand, platform, bin, fence, (having a height of six (6) or more feet above grade), sign, flagpole, antenna mast or the like.

Sources: Mansfield, CT; Milford, MA; Marlborough, MA; Framingham, MA; others

6. Permitting.

- a. **Permit Application. Process and requirements.** Registration and rental permit applications shall be made on forms approved by the Town, and shall provide such information as the designated code official shall deem reasonable and appropriate. Completed applications shall be submitted to the [appropriate Town office, address, etc.]. **Rental permit applications shall be reviewed and acted on with fourteen (14) working days from the date of submission.**

Information required as part of a rental permit application shall include:

- 1) **Contact Information & Responsible Parties.** Name(s) and current contact information for all owners, any responsible rental property management entity or person(s), at least one (1) Responsible Party living on-site as defined under Section 8.
- 2) ~~Leases. Copies of active leases for the subject property or units.~~
- 3) **Current Compliance.** Evidence of current compliance with zoning, General By-Laws, and all applicable health, fire and building codes to include an Owner’s Statement of Conditions ,

including submittals required under the Self-Certification Program (see Section 7. e.; below).

- 4) ~~**Management Plan.** A general management plan for use of the property, which shall include but not be limited to the following:~~
 - a) ~~Handling of trash and recycling, including storage location, enclosure or screening, with frequency of pickup and name of hauling company, and responsible party to contact in case of complaint.~~
 - b) ~~Lighting, including location, types and wattage of fixtures, and hours of illumination.~~
 - c) ~~An annual schedule for exterior building maintenance, including cleaning, repainting, and repairs as necessary.~~
 - d) ~~An annual schedule for grounds and landscape maintenance, including watering, fertilizing, mowing, pruning, leaf pick-up, and so forth, as well as maintenance and replacement schedules for significant site furnishings.~~
 - e) ~~Snow removal, including name of contractor.~~
 - f) ~~Material, equipment, and large household goods storage.~~
 - g) ~~On-site recreational facilities (when provided).~~
 - h) ~~A parking plan, as described in Section 11.~~
 - i) ~~A plan for noise management, including a description of the responsibilities of the owner and tenants with regard to parties, outdoor music, and outdoor HVAC equipment.~~
 - j) ~~A description of the owner's proposed procedure for responding to complaints, including the responsible party to contact and actions the owner or their representative will take.~~
- 5) **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of these regulations for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.
- b. **Owners Statement of Conditions.** ~~An owner or their local agent shall conduct an annual inspection of the property using a Self-Certification Checklist provided by the Town, including exterior and site conditions. The owner or their agent shall sign the Checklist indicating, under penalty of perjury, that the information contained therein is complete and accurate, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of these regulations. [Section moved and revised]~~

Renewal. Rental permits shall be valid for a period to begin on July 1 and end on June 30, regardless of when a permit is applied for or approved and issued. Completed applications for **new or renewed** permits for all rental properties in Amherst shall be submitted and received by June 15th of each calendar year.

- c. **Permit Posted.** A rental permit issued for a rental unit under these regulations shall be conspicuously posted and maintained within the premises in a common area visible to tenants and inspectors. The posted permit shall indicate the number of bedrooms and the maximum number of persons that said dwelling unit, or portion thereof, may lawfully accommodate. All contact information for the Owner or the owner's representative or property manager including, but not limited to, current telephone numbers, mailing addresses and e-mail addresses, shall be provided to the tenant(s). Where the owner is a realty trust or partnership, the contact information for the managing trustee or partner shall be posted. In the event that the owner is a limited liability corporation or other form of corporation, the contact information for the president of the corporation shall be posted.
- d. **Transferability.** Between permit renewal dates, rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use abides by the provisions of the permit and management plan. The new owner or designated operator of the rental property is required to promptly notify the code official of their acquisition of the property and to submit for review and approval any proposed changes in the provisions of the permit or management plan.
- e. **Limits of Town liability.** The issuance of a rental permit shall in no way imply liability or responsibility on the part of the Town of Amherst for any claim, injury, damages, costs or expenses that may arise in connection with the use or occupancy of the subject premises.

Sources: State College, PA; Provincetown, MA; others

7. Inspections & Complaints.

- a. **First Time Rental Inspections.** ~~No dwelling unit or lodging or boarding house which has been newly constructed or renovated for rental use, or which has been newly converted to rental use, shall be rented to individuals or households without first being inspected by the appropriate code official(s) of the Town and certified as being in compliance with all applicable state and local codes, and the provisions of these regulations.~~

Residential Rental Complexes. Where multi-unit residential rental complexes are regularly inspected under requirements of the state or federal government, no separate Town inspections shall be required, except **as may be required in response to complaints or** under circumstances of life safety emergencies. Copies of inspections of complexes conducted by others in accordance with state or federal law shall be accepted by the Town as evidence of inspection as part of any permit application or permit renewal.

- b. **Access to Properties.** The permit holder 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. A provision allowing tenants to agree to provide such access shall be a feature of any lease for a rental unit or property permitted under these

regulations. Where no lease is used, the owner(s) or their lawful representatives shall provide documentation demonstrating that they have made all tenants aware of the Town of Amherst rental regulations and inspection system.

- c. **Inspections.** Dwelling units which are found through complaint or other means to be in violation of any building, sanitation, or fire codes, or any other provisions of these regulations shall be subject to inspections. Inspections may be requested by any tenant of a property or by a property owner or their appointed representative, or may be initiated by code officials in response to complaints or observed conditions.

Inspections shall consist of the following:

- 1) **Basic Inspection.** **A basic inspection shall be conducted in response to any complaint about any aspect of a rental property.** A basic inspection **may** include ~~but is not limited to an on-site review of how well a rental unit or property complies~~ **compliance** with **requirements for any or all of the following:**
 - a) Zoning Requirements for the residential use, including but not limited to occupancy, parking, and compliance with permit conditions.
 - b) Exterior Conditions and Maintenance
 - i. Abandoned vehicles
 - ii. Trash/Litter
 - iii. Upholstered furniture
 - iv. Sufficient waste/recycling handling facilities
 - v. Secure, weather-tight building envelopes—roofs, walls, windows, doors
 - vi. Grounds conditions—not overgrown, no pest and vermin harborage.
 - c) Basic Life Safety requirements of the Building and Sanitary Codes.
 - i. Means of egress—doors, stairs, halls, windows, working emergency lights
 - ii. Smoke/CO detectors, fire extinguishers in working order
 - iii. Safe and functioning building systems—heat, hot water, electrical, lighting, drains, structural integrity.
 - d) Healthy Living Conditions
 - i. Securable bedrooms and spaces—closable doors, working locks and latches
 - ii. Healthy environment – intact non-porous surfaces in kitchen and bathrooms, adequate ventilation (air exchange), absence of excessive moisture, adequate natural light
 - iii. Safe and adequate equipment and appliances (ex., no inappropriate portable heaters, no extension cords providing electricity to distant rooms)
 - iv. Pest and vermin-free
 - v. Absence of active hazards (ex., safe storage of flammable materials, no exposed friable asbestos, no tripping hazards)
- 2) **Comprehensive Inspection.** A comprehensive inspection shall consist of the basic inspection, plus a full review of the property under the provisions of the Mass. Sanitary Code. A

comprehensive inspection may be requested by a tenant or property owner, or may be initiated by a code official in response to complaints or observed conditions.

3) Self-Certification Program. Owners of rental property in the Town of Amherst shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town’s authority or the discretion of the code official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under these regulations.

a) Annual Owner Self-Inspections & Checklist.

- i. Owner Statement of Conditions. Self-Certification shall require an owner or their local agent to conduct an annual inspection of the property using a Self-Certification Checklist provided by the Town, including exterior and site conditions. The owner or their agent shall sign the Checklist indicating, under penalty of perjury, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of these regulations. The Checklist shall provide for annual review of building life safety systems and general building and site conditions in conformance with the elements of a Basic Inspection, as well as changes to previously approved parking site plans and property maintenance plans.**
- ii. Self-Certification Inspections. An owner shall not be found in violation of the Self-Certification program if they have been refused access for an inspection by a tenant/occupant. However, in such instances the owner shall either provide the Town with a signed statement from the tenant/occupant indicating that the inspection was refused, or the owner shall provide proof, under penalty of perjury, that a request for access was served to the tenant/occupant and the request was thereafter refused.**

b) Leases. Copies of current, active leases for the subject property or units shall be kept on file with the owner or manager, and shall be made available to the code official within 48 hours of any request.

c) Copies of Checklists Maintained. Copies of the annual signed Self-Certification Checklists shall be kept and maintained by the owner of the rental property for a period of five (5) years. The owner shall produce any such checklist for the Town within seventy-two (72) hours of receipt of a documented request, or within five (5) days upon a documented request by a tenant. Failure to maintain checklists as specified shall constitute a violation of these regulations.

d. Complaints & Response Process. All rental units are subject to inspection upon complaint or request by tenants, town official, or other third party. Issuance of a rental permit does not preclude

tenants' right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

Upon receipt of a complaint or notice alleging that the condition of a rental unit or property is in violation of any law or regulation, the code official shall conduct an inspection of a premise within a reasonable amount of time. Such an inspection may result in the issuance of requirements for compliance. Inspections shall be as scheduled by the code official.

Sources: ~~State College, PA; Santa Cruz, CA; others~~

8. **Responsible Parties.** Rental property owners are required to identify and assign persons responsible for all aspects of the operation of a rental property. Owners shall provide ongoing current contact information, including but not limited to mailing address, telephone number and email address, for all persons responsible for:
- a. Serving as the principal point of contact or local agent, as applicable, for the owner, notifying the owner of rental property of any and all violations issued against said property by the code official, and responding to emergency on-site issues.
 - b. Operating and maintaining the rental property in compliance with the management plan and occupancy limits.
 - c. Local Agent. In the event that an owner is absent or cannot be reached or in all cases when the rental property owner(s) is not a natural person resident in the town of Amherst, the owner shall appoint one or more person(s) who are residents of Amherst to serve as Local Agent(s) for the owner, authorized to act on the owner's behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a Local Agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the designated code official in writing of any change of Local Agent within five days of any such change.

Sources: ~~State College, PA; Provincetown, MA; Boulder, CO~~

9. **Tenant Information.** The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet separate from any lease, regarding the Town requirements describe herein. Contents of the tenant information sheet shall be developed by the Town and made available to property owners and managers. A copy of this information sheet with proof of its delivery shall be maintained on the premises and shall be made available to any tenant, code official, or municipality upon request.

The information sheet shall contain the following information:

- a. Maximum occupancy for the residential rental property.
- b. Regulations regarding property management and maintenance, including but not limited to:
 - 1) On-site parking requirements and limits

- 2) Handling of waste/recycling
- 3) Grounds upkeep
- 4) Outdoor furniture
- 5) Removal of snow and ice from the premises and adjacent sidewalks, and
- d) Dependent animals (**pets or livestock/poultry**), **if present**.
- c. Appropriate Town department(s) to contact if a problem continues after having notified the landlord, including telephone numbers, addresses, and business hours.
- d. Fire safety regulations, including but not limited to keeping common halls and access doors and hallways free from obstructions, prohibitions regarding tampering with fire protection equipment, and the most recent date of certification of a current fire inspection.
- e. ~~Regulations regarding pets (if present).~~

Sources: ~~State College, PA; others~~

10. **Occupancy Limits.** The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Amherst Zoning Bylaw.
11. **Parking.** Residential rental properties within the town of Amherst shall provide designated parking spaces that are paved or surfaced, and either exist in a satisfactory state or have been approved as set forth on a parking site plan developed in compliance with the standards set forth herein, and submitted with any application for registration and permit.
- a. **Required Parking.** The number of proposed on-site parking spaces shall be adequate to meet the parking needs of tenants and a limited number of guest vehicles. Depending on site and occupancy characteristics, the total spaces provided shall not be less than a minimum of two (2) spaces per dwelling unit and shall not exceed 1.5 parking spaces per tenant.
 - b. **Parking on Paved Surfaces Only.** All parking on any residential rental property within the Town of Amherst shall be on paved spaces designated in a parking site plan submitted by the property owner with their rental application, approved by the Town as hereafter provided, and attached to every lease. Paving for parking surfaces may include concrete, bituminous asphalt, rolled gravel, trap rock, porous pavement, or similar material designed and installed as hereinafter described. No parking shall be permitted on lawn areas or other unpaved or unsurfaced landscaped areas at any time.
 - c. **Off-Site Parking.** **Existing parking spaces serving an individual rental unit or property may, with permission of the code official and any zoning permit bodies with jurisdiction, be located off-site and may be shared with or leased from other parties under the provisions of the**

Amherst Zoning Bylaw. Documentation of any necessary additional permissions or permits as may be required to access and use said off-site parking shall be submitted to the code official as part of a rental permit application, renewal, or at any time such an arrangement is made.

- d. Design and Landscape Standards.** Any **new or altered** parking shall comply with the requirements of **Section 7.1, Design Standards and Landscape Standards**, of the Amherst Zoning Bylaw.
- e. Parking Site Plan.** Except as hereinafter provided, a parking site plan meeting the requirements of this section shall be developed and submitted as part of any rental permit application. This requirement shall apply to new rental properties, and existing rental properties lacking a previously-approved site plan accurately showing existing parking.
- 1) **Exemptions.** The following shall be exempt from this requirement:
 - a) **Existing Conditions Sufficient.** Where evidence has been submitted to and certified by the code official indicating that existing on-site parking and circulation meet the required number of spaces and provide circulation sufficient for safe use of and access to the property.
 - b) **Existing (Current) Approved Plans.** Where an existing site plan has been approved under a previous land use (zoning) permit and is certified by the code official as accurately representing current on-site parking. Submission of such an approved plan shall meet the requirements of this section.
 - 2) **Base Plan Requirements.** The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the code official or under the provisions of Amherst's Zoning Bylaw, Town of Amherst GIS mapping may be used as the base for a site plan developed under this section.

The parking site plan shall accurately depict the area within which parking is proposed, including:

- a) Property boundaries
- b) Existing driveways and pedestrian walks
- c) Dwellings and structures
- d) All existing and proposed on-site parking spaces
- e) Existing and proposed landscaped areas
- f) Fencing or other barriers or screening

- g) **Site features such as** All trees over 12 inches in diameter (as measured five feet above grade), **bedrock outcroppings, steep slopes,** and such other site features as may affect parking locations.
- 3) **Site Plans** for new parking areas, ~~the site plan~~ shall detail the nature of the subgrade and proposed surface paving material, and shall show such grading and drainage as is proposed.
- 4) **Off-Site Parking Shown.** The **A** plan or an attached narrative shall describe and indicate the location of any and all off-site parking serving the rental property, and shall include documentation of any necessary additional permissions or permits as may be required to access and use said off-site parking.
- a. **Parking Design Standards.** ~~A parking area site plan shall comply with the following parking design requirements consistent with those of the Amherst Zoning Bylaw:~~
 - 1) ~~Parking spaces shall be a minimum of 9 feet by 18 feet in size. At the discretion of the code official, up to 50 percent of spaces may be compact spaces measuring 8 feet by 19 feet. Every parking space shall be marked or designated in a clear and visible fashion.~~
 - 2) ~~All parking spaces and internal circulation shall provide adequate space for access, backing, and maneuvering within the site.~~
 - 3) ~~No more than two (2) parking spaces may be located within the zoning front setback from a public or private way, and only in direct association with a driveway.~~
 - 4) ~~No new parking spaces shall be designed so as to require drivers to enter or exit the property by backing onto an adjacent street. Wherever feasible, existing spaces shall be reconfigured to avoid such a backing motion.~~
 - 5) ~~Parking spaces shall be paved or surfaced. New parking areas shall have a prepared subgrade consisting of a minimum eight (8) inch compacted gravel base and surfaced with a minimum two (2) inch top coat consisting of concrete, asphalt, masonry pavers, gravel, trap rock, or similar material, as approved or modified by the code official in consultation with the Town Engineer.~~
 - 6) ~~No existing area of lawn nor any existing landscaped area shall be disturbed and no tree over 12 inches in diameter shall be removed to create new parking spaces, unless it can be demonstrated to the designated code official that no other acceptable parking areas can be established on-site.~~
 - 7) ~~The addition of paving or surfaced area on any property shall be permitted only within the provisions for maximum lot coverage for the property in question as established in the Amherst Zoning Bylaw.~~
 - 8) ~~Parking spaces and areas shall be designed and graded so as to address drainage (surface runoff), recharge on site, and so as to avoid pooling and/or winter icing. Suitable areas shall be provided and maintained as available for winter snow storage.~~

- ~~9) Permanent barriers shall be established to separate the paved or surfaced parking area from adjacent lawn or landscaped areas. Wheel stops or similar measures shall be employed to control parking.~~
- ~~10) The plan shall abide by all applicable provisions of state and local law, including but not limited to regulations governing curb cuts, public shade trees, site construction, utility installation, storm water run-off, wetlands, and zoning.~~
- ~~11) The Town designated official may require the submission of evidence of compliance with such other state and local regulations prior to approving a parking site plan.~~

Waiver or Modification. Any provision of Section 11. a. through e. **or b.**, inclusive, may be waived or modified by the code official for compelling reasons of safety or design.

Sources: Amherst Zoning Bylaw, Mansfield, CT

12. Exterior Building & Grounds Maintenance. Residential rental properties shall be maintained in accordance with the provisions of the State Sanitary Code, and all applicable General Laws, regulations or by-laws intended to protect public health, safety and/or the environment. The premises shall be kept in a manner whereby the exteriors of buildings and grounds are not blighted or delapidated, do not constitute a hazard to residents or others visiting the property, and do not constitute a Nuisance Property, all as defined in Section 5, Definitions.

Sources: Provincetown, MA; others

13. Enforcement.

- a. **Enforcement Personnel.** The Town Manager is hereby authorized to designate the principal code official and other Town officials empowered to enforce or otherwise take actions under this article, and may delegate responsibility for the latter to the principal code official.
- b. **Enforcement Options.** This by-law shall be enforced by criminal complaint through the District Court. In the alternative, any person committing a violation under this section may be issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Such citations shall inform the person named thereon of the allegations against him or her, the amount of the fine(s) due, and the date on which payment of the fine(s) is due, which shall be no later than ten (10) days after the date of the citation. The citation shall be hand delivered, affixed to the vehicle or property, or mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address.
- c. **Violations.** Every day in which a violation continues shall be considered to be a separate offence. If more than one violation has occurred, each condition of these regulations which has been violated shall be considered a separate offense. The following shall constitute violations of these regulations:
 - 1) Any person who rents or leases premises, whether a dwelling unit or a lodging or boarding house, in the Town of Amherst without a valid rental permit therefore in accordance with these

regulations shall be in violation of these regulations and subject to citation and fines, and, as the circumstances warrant, suspension or revocation of said permit for the property in question.

- 2) Failure to comply with the provisions of Section 7. **b.** with regard to facilitating access for inspections.
- 3) Failure to comply in a specified time to any valid order to remedy violations of the building or health codes, or any other provisions of these regulations.
- 4) Failure to appoint Responsible Parties to act on behalf of the owner(s), as specified in a rental permit application.
- 5) Failure to submit a parking site plan within the time specified, or to construct a parking area in compliance with an approved plan, or in a timely fashion following approval of a rental permit.
- 6) Persistent improper use of designated parking areas or persistent parking in areas other than those created for the property under an approved site plan.
- 7) Failure to properly maintain the exteriors of buildings or grounds.
- 8) Failure to pay any fees or fines associated with violation of these regulations.
- 9) Any other violation of the requirements of these regulations.

Sources: ~~Provincetown, MA; others~~

14. Fees. The Select Board or its designee is hereby authorized to set and periodically revise a schedule of fees for registration and application for licensing of rental units, and for inspections of rental properties. No fees shall be charged in association with permits or inspections for deed-restricted affordable housing units, nor to properties exempted under the provisions of Section 4 of this by-law.

Sources: ~~Provincetown, MA~~

[NOT INCLUDED: Fines, Penalties]