

DRAFT 11/9/23

West Tisbury Short-term Rental By-Law

Short-term rentals are a permissible commercial use of residential properties in West Tisbury within the parameters of this bylaw.

PURPOSE AND INTENT

1. Provide a process through which West Tisbury can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes, such that they may be permitted and registered with the town of West Tisbury for lawful use as short-term rentals
2. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community
3. Ensure that short-term rentals will not be detrimental to the character and livability of the town and the residential neighborhoods surrounding such short-term rentals
4. Ensure the proper regulation of commercial uses of homes in West Tisbury residential areas
5. Deter commercial interests from buying housing to use primarily as short-term rental businesses in order to help ensure equity and sufficiency of housing stock for year-round residents
6. Protect the health and safety of renters and residents for those lawful short-term rentals
7. Enable the board of health, the building department, and the fire department to enforce state and local health and safety laws and regulations, and to provide a method for correcting violations when conditions require immediate attention.

DEFINITION

A short-term rental is a rental that is 30 days or fewer. Seasonal rentals of 31 days or longer, year-round rentals, hotels, motels, lodging houses, and B&Bs are excluded.

REGULATIONS

1. Short-term rentals must be registered with the town annually.

2. No short-term rentals may be rented for more than 12 weeks per calendar year.
3. No short-term rentals will have a rental period fewer than seven days.
4. The owner must reside at least one month in the property. Owners who are renting a subordinate dwelling unit must reside in the primary dwelling unit at least one month.
5. A short-term rental may not be rented as separate bedrooms or spaces to separate parties unless the owner is in residence.
6. A tenant in a long-term rental may not offer their rental as a short-term rental, (i.e. no sub leasing).
7. An owner is permitted to rent only one property as a short-term rental. Multiple simultaneous short-term leases on one lot are not permissible, the owner may not rent homes individually as separate short-term rentals. The property may contain several units in a single registration, as long as all dwelling units covered by the registration are located on the same lot and rented to the same person or legal entity.

One structure may be rented short-term and another long-term.

If an owner owns more than one property in the town of West Tisbury, the owner must choose which one to rent. No owner shall have more than one short-term rental in the town.

8. Short-term rentals may be a primary or a secondary unit.
9. Short term rentals are permitted if owned by an LLC, S-Corp., partnership, trust, or other legal entity if every owner/member is a natural person, confirmed by documentation provided at registration. One person must be designated as the "owner".
10. Signs on properties advertising short-term rentals are not permitted, as per the town sign by law.
11. The select board has the authority to create rules and regulations, and to designate an agent to represent the town.

REGISTRATION

1. All short-term rentals must be registered with the town annually. Registration fee is \$350 per year.

2. Short-term rentals are subject to inspection by the board of health upon registration including functioning, smoke detectors, carbon monoxide, detectors, and fire extinguishers. The Board of Health shall determine the maximum occupancy and the maximum number of cars permitted for the property.

3. Registration shall include the name, address and contact number for the owner and local agent, if applicable.

4. Information must be posted in a visible place including:

- Certificate of registration
- Street address
- 911 information
- Contact information of local owner or local agent 24/7
- Waste disposal and recycling information.
- Septic information
- Leash law information,
- Number of vehicles permitted
- Maximum occupancy

Signature of owner, attesting that they have read and will abide by the registration rules and regulations for short-term rentals.

EXEMPT PROPERTIES

- Any rental of fewer than 14 days per calendar year
- Residential properties in the business district

VIOLATIONS AND FINES

Penalty for violation is \$750 per day.

ADOPTION

This by-law will take effect upon adoption by Town Meeting. Any owner with multiple short-term rentals prior to the adoption of this by-law must register them with the Town and is grandfathered as to the number.