

9.8.3 General Requirements

9.8.3.1 Special Permits and Site Plan Approval

- A. All dwelling units offered for Bed & Breakfast or Short-Term rentals in the Residential/Agricultural district shall acquire approval via Special Permit, pay all associated fees, and abide by the requirements of Section 9.8.
- B. All dwelling units offered for Bed & Breakfast or Short-Term rentals in the Business and Unrestricted districts district shall acquire approval via Site Plan Approval and Planning Board, pay all associated fees, and abide by the requirements of Section 9.8

9.8.3.2 Requirements for both Bed & Breakfast and Short-Term Rentals.

- A. No owner shall rent, offer to rent any Bed & Breakfast or Short-Term Rental prior to acquiring an approved permit per Table of Uses.
- B. No tenant or lessee of an Owner shall let or sub-let a Bed & Breakfast or Short-Term Rental.
- C. The owner shall conform to any requirements of the Massachusetts Department of Public Health and the Department of Public Health and Code Enforcement, adhere to all existing rules, regulations, codes and other Federal, Commonwealth of Massachusetts and Town of Westport requirements pertaining to health and safety as typically regulated and enforced by the Building Department, Board of Health, Conservation Commission, Fire Department, Planning Board and/or Board of Selectmen.

~~D. The owner shall provide proof that each Bed & Breakfast and Short Term Rental is registered with the Massachusetts Department of Revenue (DOR) and pay the applicable state and local tax.~~

E.D. In the Residential/Agriculture District, the Bed & Breakfast and Short-Term Rental Special Permits shall be renewed every three years including payment of the renewal fee. The fee for Bed & Breakfast and Short-Term rental Special Permit and renewal shall be determined by the Zoning Board of Appeals and approved by the Select Board. The renewal shall include a Health inspection report and a Zoning Enforcement Officers report.

F.E. It is the responsibility of the Bed & Breakfast and Short-Term Rental owner to renew its Special Permit on a 3 year basis or upon change of ~~operator or~~ owner.

G.F. A maximum of two guests per bedroom are allowed and children under the age of twelve (12) shall not be considered in the total number of guests.

H.G. The number of bedrooms made available rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.

I.H. The owner shall have accommodation for parking ~~of one (1) vehicle per rental bedroom per Section 8.3.~~

~~J.I.~~ The applicant must be current with all town taxes, water, and sewage charges.

~~K.J.~~ The owner shall maintain an up-to-date log of all occupants that occupy the Bed & Breakfast or Short Term Rental, which shall contain the occupants' names, and dates of commencement and expiration of each rental period. The log shall be available for inspection by the Town's Board of Health and Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the rental at all times.

~~L.K.~~ _____ In the Residential/Agriculture district, the Bed & Breakfast and Short-Term Rental is granted solely to a private Owner, a legal resident of Westport, or a Trust in which the Trustee is a legal resident of Westport and shall not be transferable or assigned to any other person.

~~M.L.~~ _____ The Special Permit for a Bed & Breakfast or Short Term Rental does not run with the property, it shall be terminated upon the sale or transfer of the property for which the Special Permit has been issued.

~~N.M.~~ _____ The owner of the Bed & Breakfast or Short-Term rental is responsible for all non-criminal aspects of the rental including the conduct of their renters.

~~O.N.~~ _____ Prior to issuing or renewing a Special Permit or a Site Plan Approval, ~~the~~ Bed & Breakfast or Short-Term rental owner shall provide the following:

- a. Description of room(s) to be rented.
- b. Owner name, emergency contact telephone number, and name(s) of emergency contacts.
- c. Fire inspection report.
- d. Health inspection report.
- e. Water potability test unless on a public water supply.
- f. Copy of the Certificate of Registration with the Commonwealth of Massachusetts Department of Revenue including identification of state and local occupancy taxes. Short term rentals greater than 30 are exempt from this requirement.
- g. Zoning Enforcement Officer report.