

TOWN OF MARION
TOWN MEETING MINUTES
from the Annual Town Meeting held May 13, 2025



Article 36. Motion was made and seconded to see if the Town will vote to add Section 8.15 (Short-Term Rental Properties) of Chapter 230 (Zoning) to the Code of Marion:

8.15 (SHORT-TERM RENTAL PROPERTIES)

1. PURPOSE

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short-term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town's housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention.

2. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

Occupancy

The use or possession of or the right to use or possess a short-term rental.

Occupant (Guest)

Any individual residing overnight in a short-term rental.

Operator (Host)

Any individual operating a short-term rental.

Operator's Agent

An individual who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent, or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company, or real estate agent.

Owner

Any person, as defined immediately below, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

Person

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, a corporation that is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee, or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of

individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Marion or any of its agencies.

Short-Term Rental

A short-term rental is an owner-occupied, tenant-occupied, or non-owner-occupied property including, but not limited to, an apartment, house, cottage, condominium, or furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast, where:

1. Unit is leased for 31 consecutive days or less;
2. At least one room or unit is rented to an occupant or sub-occupant; and
3. All accommodations are reserved in advance; however, private owner-occupied property shall be considered a single unit if leased or rented as such.

3. SHORT-TERM RENTAL REGISTRATION

A. Registration Required

No Owner shall rent or offer to rent, any Short-Term Rental before registering with the Building Commissioner. No tenant or lessee of an Owner shall let or sub-let a Short-Term Rental under any circumstances.

B. Compliance

A dwelling used as a Short-Term Rental shall comply with the provisions of all state and local health and safety laws, ordinances, and regulations. Demonstration of compliance shall be in the form of an affidavit submitted as part of the registration application described in Section D below. All necessary approvals shall be obtained from the Building Commissioner, Board of Health, and Fire Department before occupancy. Operators shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including, but not limited to noise, proper garbage and refuse receptacles, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as otherwise specifically set forth herein.

C. Application Required

The Owner of the dwelling shall be required to complete a short-term rental registration application, the form and content of which shall be provided by the Building Commissioner. The application for registration shall include at a minimum.

1. 24-hour contact information;
2. Proof of ownership;
3. Description of the rooms or units to be rented;
4. Proof of no outstanding taxes or fees owed to the Town of Marion;
5. Copy of certificate of registration in accordance with G.L. c. 64G, §6;
6. Copy of smoke detector, carbon monoxide detector certificate of compliance;
7. Parking plan showing no more than one parking space per bedroom;
8. Proof of Building Code compliance for occupancy;
9. Proof of no outstanding Building, Sanitary, Zoning, or Fire Code violations; and
10. A statement acknowledging that use of RVs, campers, or sleeping tents for use as Short-Term Rentals is prohibited.

D. Registration Renewal

Short-term rental registrations shall be renewed annually (every year) after a satisfactory inspection by the Building Commissioner, or their designee, as required under 780 CMR §110.7 of the Massachusetts State Building Code, and upon payment of the renewal fee.

E. Fees and Applicable Taxes

The fees for a short-term rental registration or a renewal of a registration are available at the Town Clerk's Office. Fees may be modified by the Select Board at a fee hearing.

F. Non-Transferability

Short-term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon the sale or transfer of the property for which the registration has been issued.

G. Liability Insurance

The Owner shall maintain in the amount of \$1,000,000 to cover the Short-Term Rental use of the property pursuant to G.L. c. 175, §4F.

H. Prohibitions

Use of RVs, campers, or sleeping tents for use as Short-Term Rentals is prohibited.

4. PUBLICATION OF REGISTRATION NUMBER

The Town-issued registration number shall be included on any listing offering the Short-Term Rental for rent.

5. CONTACT INFORMATION OF OWNER, OPERATOR, AND/OR OPERATOR'S AGENT

A. An Owner of a Short-Term Rental shall provide the Building Commissioner with his/her current residential address and telephone number upon application for Registration as well as a complete list of persons (as defined above) who have a direct or indirect interest in any property for which a Short-Term Rental Registration in the Town of Marion has been issued or for which a Short-Term Rental Registration application is pending.

B. If the Owner is a corporation, the name, address, and telephone number of the president/manager and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.

C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who can respond in person to any issues or emergencies regarding the condition or operation of the Short-Term Rental that arise during occupancy within one (1) hour of contact by the Building Commissioner, Board of Health, Marion Police, or Marion Fire Department to complaints. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-Term

Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-Term Rental Registration and shall be posted conspicuously within the rental unit.

6. POSTING OF NOTICES

The Town shall provide information to each registered Operator summarizing the regulations for short-term rentals. For each Short-Term Rental Registration issued, this will include but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the Application, requirements for trash removal, occupancy requirements, parking, and noise restrictions.

The Operator shall:

- A. Provide Short-Term Rental (STR) occupants a copy of the information under section § 230-8.15-5 that is the Contact Information of the Owner, the Operator, and/or the Operator's Agent; and
- B. Post the information, along with the Short-Term Rental Registration, in a conspicuous location within the Short-Term Rental Unit.

7. MINIMUM RENTAL DURATION

The Short-Term Rental unit shall be rented for no less than two consecutive nights. Rental of the unit on an hourly basis is prohibited.

8. TRASH

The Short-Term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or at least once per week, whichever is more frequent.

9. OCCUPANCY AND REQUIREMENTS

The maximum number of Occupants in a Short-Term Rental shall be two per bedroom, plus an additional two. The number of individual bedrooms made available for short-term rental shall not be greater than the number of lawful bedrooms in the dwelling unit. All motor vehicles must be stored on the rental property

10. SMOKE DETECTORS AND CARBON MONOXIDE ALARMS

Each Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. Exit signs shall be displayed at each egress. In addition, the owner shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor. Extinguishers shall be visible and maintained or replaced per the manufacturer's specifications. Any detector or alarm found to be defective shall be repaired or replaced by the owner forthwith. The Occupant(s) shall be made aware to report faulty or inoperative smoke detector unit(s) to the owner of the dwelling.

11. KEEPING OF REGISTER

The Operator or Operator's Agent shall be responsible for keeping a register containing the name(s) of the Occupant(s) who is the leaseholder, the total number of occupants, and dates of occupancy. The register shall be retained for two (2) years and shall be made available upon request to the Building Commissioner, Board of Health, Fire Department, Police Department, or other duly appointed or authorized code compliance staff of the Town of Marion upon one day's notice.

12. INELIGIBLE UNITS

The following are not eligible to be rented or offered to rent as Short-Term Rentals:

- A. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
- B. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental;
- C. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders;

- D. Dwellings with unpaid taxes and/or municipal fees
- E. Dwellings under construction; and
- F. Dwellings ineligible pursuant to zoning bylaw provisions relative to ADUs.

13. FAILURE TO PAY OR TO MAKE SUITABLE ARRANGEMENTS FOR THE PAYMENT OF MUNICIPAL OR DISTRICT TAXES, FEES, ASSESSMENTS, AND CHARGES

The privilege of receiving or holding a Short-Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing under the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short-Term Rental Registration for all property in which the person holds a direct or indirect ownership interest, as above defined.

14. INSPECTIONS

Short-term Rentals shall be subject to inspections by the Building Commissioner as required under 780 CMR section 110.7 of the Massachusetts State Building Code.

15. COMPLAINT PROCESS, VIOLATIONS

A. Complaint. A complaint alleging that a Short-Term Rental violates this Chapter, or any applicable law, code or regulation may be filed with the Building Commissioner. The complaint must contain the Short-Term Rental address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

B. Written notice of any violations of this chapter shall be treated as a complaint and written notice may be given by the Building Commissioner to the Police Department, Fire Department, and/or the Board of Health. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short-Term Rental Registration application then on file with the Building Commissioner. A written change-of-address notice signed by the Owner(s) and delivered to the Building Commissioner may be filed at any time.

D. Review of Complaint. The Building Commissioner or his/her designee shall investigate the complaint(s) within three (3) business days and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another town, state, or federal agency, the Building Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Building Commissioner or designee shall serve notice of the violation upon the Owner of the Short-Term Rental. The Building Commissioner shall keep records of all complaints received and determinations made.

E. Offering an Ineligible Unit as a Short-Term Rental. Any person who offers a unit as a Short-Term Rental, where such a unit is not an eligible Dwelling Unit or is not registered, may be fined under the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Building Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental. Alternatively, the Building

Commissioner may assess non-criminal disposition fines of \$300 per day per violation for any violation(s) of this Chapter pursuant to Section 1-7 of the Marion Town Bylaws.

F. Failure to Obtain a Registration. Any person who offers a Dwelling Unit as a Short-Term Rental without a valid Short-Term Rental Registration, or any person who offers a Dwelling Unit as a Short-Term Rental while the unit's registration is suspended, may be fined per the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued under this section by the Building Commissioner or a designee for a violation of any provision of this section may be fined under the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Zoning Board of Appeals. The procedures set forth in G.L. c. 40A, §§8 and 15 shall apply to such an appeal.

I. Violations of an unoccupied dwelling shall be corrected before occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Building Commissioner, Police Department, Fire Department, and/or the Board of Health.

J. If a written petition for a hearing is not filed within thirty (30) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

16. REGISTRATION SUSPENSION, MODIFICATION AND REVOCATION

In addition to, and not in place of, the penalties that may be assessed under this chapter, the Building Commissioner, Police Department, Fire Department, and/or the Board of Health, after notice and public hearing, may suspend, revoke, or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Building Commissioner, Police Department, Fire Department, and/or the Board of Health. These remedies shall be non-exclusive.

17. JUDICIAL APPEALS

Any person aggrieved by a final decision of the Zoning Board of Appeals, or the Building Commissioner for a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

18. PENALTIES

Any person who violates any provision of this chapter will receive a warning on the first offense; subsequent violations will result in escalating fines. Each day that a violation exists constitutes a separate offense. The fine schedule is available at the Town Clerk's Office.

- Warning 1st Offense
- 2nd Offense
- 3rd Offense
- 4th Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense. The penalty and fine schedule are maintained at the Town Clerk's Office.

19. ENFORCEMENT

The Town may enforce the provisions of this chapter by any or all of the following: the non-criminal disposition process of M.G.L. c. 40, §21D and Section 1-7 of the Town Bylaws; by seeking to restrain a violation by injunction; and/or by filing a complaint in any court of competent jurisdiction.

20. REGULATIONS

The Building Commissioner, Board of Health, Fire Department, and/or the Police Department may adopt regulations, policies, and procedures for the implementation of this Chapter.

21. SEVERABILITY

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

or take any action thereon.

Motion declared carried at 8:53 PM

I, Elizabeth Magauran, hereby certify that the forgoing is a true copy of the minutes of the action taken under Article 36 of the Annual Town Meeting held on May 13, 2025.

*Elizabeth Magauran
Town Clerk*