

TOWN OF BLACKSTONE
"Amended"
WARRANT FOR ANNUAL TOWN MEETING

MAY 26, 2015

Worcester, SS:

To either of the Constables of the Town of Blackstone in the County of Worcester.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone, qualified to vote in Town Affairs to meet in the Blackstone-Millville Regional Molony-Sullivan School Auditorium in said Town of Blackstone on Tuesday, May 26, 2015 at 7:30 p.m. then and there to act upon the articles of the Warrant.

ARTICLE 1. To see if the Town will vote to authorize the Collector to use all means of collecting taxes that a Treasurer may use when appointed Collector, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen to dispose of various obsolete and/or inoperative equipment, scrap materials, etc., or to auction or sell any excess equipment that may be on hand in any Town Department, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 3. To see if the Town will vote to raise and appropriate such sums of money as may be deemed necessary to fix the salaries of all elected and appointed Town officers and to defray Town expenses for all departments including the Reserve Fund for the fiscal year beginning July 1, 2015, and ending June 30, 2016 and to determine how such sums of money should be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 4. To see if the Town will vote to authorize the members of Boards and Committees of the Town of Blackstone to be compensated for their services and to set the amount of said compensation; said compensation set by town meeting to be paid in four (4) equal installments provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the respective Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to March, June, September and December, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the various Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates if such member has not been a member for twelve (12) or more months prior to each of said dates, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 5. To see if the Town will vote to authorize the members of the Blackstone-Millville Regional District School Committee to be compensated for their services as such members and to set the amount of said compensation at \$1500.00 per member and \$1,800.00 for the Chairman, such compensation to be paid in three (3) equal installments in the months of July, November and March provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to July 1, November 1 or March 1, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates; or take any other action in relation thereto.

(Submitted by the Superintendent of Schools)

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for the construction, reconstruction and improvements of public ways, street drainage systems and sidewalks throughout the Town, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement or easements for the purpose of construction, installation, maintenance and repair of municipal drainage, sewer water systems, and roadways, and to raise and appropriate or transfer from any available funds a sum of money to fund such acquisitions, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$10,000 to upgrade the Municipal Center storage facility, or take any action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 9 To see if the Town will vote to approve a by-law to allow for annual inspections by the Fire Department and Inspectional Services on rental properties, or take any action thereto. (See amendment #1)

(Submitted by Town Administrator)

ARTICLE 10. To see if the Town will vote to establish a revolving fund pursuant to the provisions of G.L. c. 44, §53E1/2 for the purpose of maintaining Library copiers, printers and facsimile machines and purchasing supplies related thereto; the receipts from use of the Library copiers, printers and facsimile machines shall be deposited into said fund and expended under the direction of the Library Trustees up to the maximum amount of \$2,000 during Fiscal Year 2016, or take any other action in relation thereto.

(Submitted by the Library Trustees)

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$65,000 for purposes of the maintenance and repair of the Blackstone Public Library including roof, plumbing, structural and other building repairs, or take any other action in relation thereto.

(Submitted by the Library Trustees)

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$11,705 to replace six mountain bikes for the Police Department, or take any other action in relation thereto.

(Submitted by the Police Department)

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$3,000 for the purpose of procuring bulletproof vests/ body armor for the Police Department, or take any action in relation thereto.

(Submitted by the Police Department)

ARTICLE 14. To see if the Town will vote to authorize the Treasurer/ Collector to execute and deliver an Investment Agreement with State Retiree Benefits Trust (“SRBT”), to sign checks and wire OPEB Trust Funds to SRBT or to the Pension Reserves Investment Trust (“PRIT”), or as it may otherwise be directed by SRBT, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as SRBT or the Pension Reserves Investment Management (“PRIM”) Board may direct; and, further, that the sum of \$250,000 be appropriated as the initial investment into the SRBT Fund; all in consideration of the fact that the Town has established an Other Post-Employment Benefits Liability Trust Fund (“OPEB Trust Fund”) in accordance with the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the “Act”), and that, in accordance with the Act, the Town has designated the Town Treasurer/Collector to serve as custodian of the Town’s OPEB Trust Fund, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$17,085 to purchase a hydro rake field grooming tractor, or take any other action in relation thereto.

(Submitted by Parks & Recreation)

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$30,000 for purposes of the design, construction and installation of an irrigation system at the soccer complex at the AF Maloney/JFK Elementary Schools, and, further to authorize the Town to accept any available grants, gifts or donations of services in kind for the purpose of this project, or take any other action in relation thereto.

(Submitted by Parks & Recreation)

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$65,000 to purchase a senior van for the Council on Aging, or take any other action in relation thereto.

(Submitted by Council on Aging)

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$10,500 for the purchase of an MS6000 Konica Digital Microform Scanner, or take any other action in relation thereto.

(Submitted by the Town Clerk)

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$21,000 for the purpose of purchasing three new ImageCast Precinct optical scan election tabulators and related appurtenances and to trade-in three AccuVote system voting machines, or take any other action in relation thereto.

(Submitted by the Town Clerk)

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$5,000 to provide file cabinets for the Town Clerk, Collector/Treasurer and Town Accountant's office, or take any other action in relation thereto.

(Submitted by Board of Selectmen)

ARTICLE 21. To see if the Town will vote to accept the provisions of G.L. c. 64L, §2, which authorizes the Town to impose a local sales tax upon the sale of restaurant meals originating within the Town at a rate of .75% of gross sales receipts, or take any other action in relation thereto.

(Submitted by the Finance Committee)

ARTICLE 22. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$120,000 for acquisition of a loader for the Department of Public Works, or take any other action in relation thereto.

(Submitted by Department of Public Works)

ARTICLE 23. To see if the Town will vote pursuant to G.L. c. 44, Section 20 to reauthorize for the purpose of the design and construction of Well #9, including all costs and expenses related thereto, the balance of funds, in an amount not to exceed \$163,000, previously authorized to be borrowed for the design and construction of the water tank, or take any action in relation.

(Submitted by Water & Sewer Department)

ARTICLE 24: To see if the Town will vote to authorize use of a portion of the Town-owned parcel of land located at 14 Chestnut Street, Blackstone, commonly referred to as the Chestnut Street Landfill, for the purpose of lease, with the grant of appurtenant rights of access and easements, for construction, operation and maintenance of a Solar Photovoltaic Renewable

Energy Facility, to authorize the Board of Selectmen to enter into a long term lease and other agreements in furtherance of this use upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town, and to authorize the Board of Selectmen and Assessors to negotiate and enter into a Payment in Lieu of Taxes Agreement relative to said Facility in accordance with the provisions of G.L. c. 59, §38H, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

ARTICLE 25. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$75,000 to update the town's Master Plan, or take any other action in relation thereto.

(Submitted by the Board of Selectmen and Planning Board)

ARTICLE 26. To see if the Town will vote to revise the General Bylaw reference in the Town Code for the Medical Marijuana Facilities Bylaw approved at the May 27, 2014 Annual Town Meeting from "123-23.6." to the correct Chapter & Section number "123-23.7"., or take any other action in relation thereto.

(Submitted by the Town Clerk)

ARTICLE 27. To see if the Town will vote to accept the provision of G.L. c.60A, Section 1 that allows cities and towns to exempt from excise taxation motor vehicles owned by and registered to Massachusetts residents who are on active and fulltime military service as a member of the armed forces of the United States or the National Guard, army or air, of any state, deployed or stationed outside the territorial boundaries of the United States for a period of at least 45 days in the calendar year of exemption, or take any other action in relation thereto.

(Submitted by Board of Assessors)

ARTICLE 28. To see if the Town will vote pursuant to Clause 56 of Section 5 of General Laws Chapter 59, to extend the authority of the Assessors to grant abatements to members of the Massachusetts National Guard or Military reservists who are on active duty in foreign countries with respect to all or part of their real and personal property taxes for the fiscal year in they performed such service, subject to eligibility criteria to be established by the board of assessors, , effective fiscal year 2015, or take any other action in relation thereto.

(Submitted by Board of Assessors)

ARTICLE 29. To see if the Town will vote to amend the provisions of the Blackstone Code, Chapter 114, (VEHICLES, OFF-ROAD) by deleting the existing Sections 114-1 and 114-2 and substituting therefore the following revised sections:

Section 114-1 Written permission required for use in certain areas. No person shall use or operate for recreation use a motorized off-road vehicle, including but not limited to minibikes, trail bikes, all-terrain vehicles (ATV's) or snowmobiles, or a similar motorized vehicle which is eligible for registration under Chapter 90B of the General Laws of the Commonwealth, on **(1)** any Town-owned property, except public roads and streets, or **(2)** private property, without prior

written consent of the Town authority or landowner having the responsibility for the management of such property. Any such consent shall be temporary in nature, shall specify the period of time during which it is in force and shall be subject to the prohibitions, restrictions and requirements of all general laws, including, without limitation, Massachusetts General Laws, Chapter 90B.

Furthermore, unless a permit for such recreational use is obtained from the Blackstone Police Department, no such consent shall be granted for any parcel(s) of land with an area less than 1 acre, nor for any land within 200 feet of any residence other than the residence of the owner of the parcel(s) on which the consent is granted. Operation of such recreational vehicles shall be limited to the hours of 9:00 AM to 7:00 PM, and to a maximum of 2 hours during this time period on any day.

Section 114-2 Enforcement. The provisions of this article may be enforced by the Blackstone Police Department. Violators, including operating a motorized off-road vehicle or granting permission for such use that is not in compliance with the provisions of 114-1, shall be subject to a fine. Said fine shall be \$50 per offense and shall be enforced by the appropriate enforcing person and be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws, Noncriminal Disposition of Certain Violations. Violations of Chapter 90B shall be punishable as indicated in said Chapter 90B.

(See Amendment #2)

(Submitted by the Planning Board)

ARTICLE 30. To see if the Town will vote to accept the layout of Rolling Brook Lane off of Elm Street as a public way, as shown on the plan entitled "_____" dated August 7, 2014, and prepared by _____, which layout shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the vote hereunder and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain taking any land necessary for the purpose of such way as so laid out, and, as necessary, to authorize the Board of Selectmen to assess betterments to the owners of the land abutting the way, provided, however, that the construction of said road is subject to compliance with the following conditions imposed by the Planning Board: all stormwater management to be handled entirely by Homeowner's Association, demarcation of the Open Space areas; trail heads being marked Lot 6 and 7 and lot 5 and 4, Town will cover snow removal, plowing, street sanding and trash recycling, general town services police, fire and town vehicle access, future unforeseen town services, and no taking or cleaning of the street sweeping/catch/retention basins, or take any other action in relation thereto.

(Submitted by the Planning Board)

ARTICLE 31. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$25,000 for an Economic Development consultant, or take any other action in relation thereto.

(See Amendment #3)

(Submitted by the Board of Selectmen)

ARTICLE 32. To see if the Town will vote to transfer a sum of money to the stabilization fund, or take any other action in relation thereto.

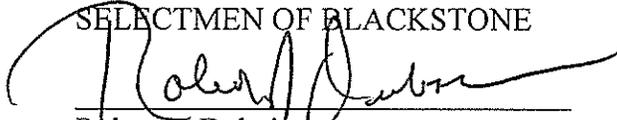
(Submitted by the Board of Selectmen)

Hereof, fail not and make due return of this Warrant with doings thereon, to the Town Clerk at or before the time of said meeting.

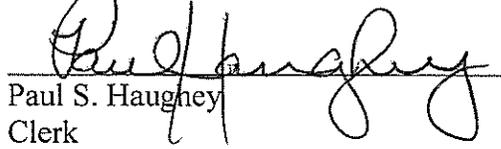
And you are directed to serve this warrant by posting up true and attested copies thereof in each of the following names and places in Blackstone seven (7) days at least before the day fixed for such meeting at the Municipal Center on St. Paul Street and at the Fire Station on Rathbun Street and the A.F. Maloney School on Lincoln Street and also by publication no less than seven (7) days before the days fixed for such meeting in that newspaper having the largest circulation in the Town.

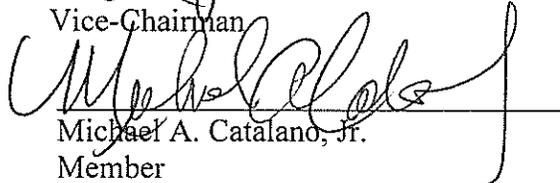
Given under our hands this 14th day of April 2015.

SELECTMEN OF BLACKSTONE


Robert J. Dubois
Chairman

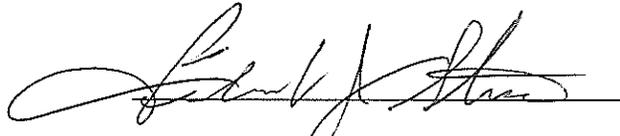

Margo Bik
Vice-Chairman


Paul S. Haughey
Clerk


Michael A. Catalano, Jr.
Member

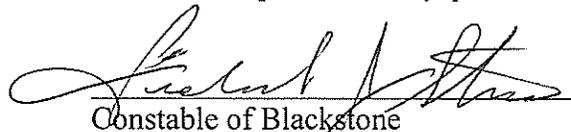

Daniel P. Keefe
Member

A true copy attest:

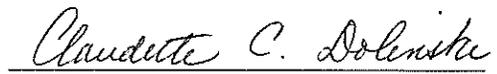

Constable of Blackstone

Worcester, SS:

Pursuant to the foregoing Warrant, I have this 15th day of April, 2015 notified the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone by posting up true and attested copies of the within warrant at the within named places and by publication as within directed.


Constable of Blackstone

A TRUE COPY OF THE WARRANT AND RETURN:


Claudette Dolinski
Town Clerk

AMENDMENT #1

9. Residential Rental Property Bylaw

To see if the Town will amend the Town of Blackstone General By-Laws by adding the following new by-law:

1. Purpose. This bylaw is adopted in accordance with the Town of Blackstone's Home Rule Authority and the Blackstone Master Plan, in furtherance of the following public purposes:

- a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Blackstone by monitoring and enhancing 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 Blackstone'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 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, and neighbors.
- 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 Blackstone's long history as a college community..

2. Registration & Permit Required. Except as provided in Section 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to 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 Blackstone until the property has been registered and a rental permit therefor has been issued by the Principal Code Official.

3. Enabling Legislation & Regulations. All rental units and rooming units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.

4. Applicability & Exemptions. Registration and rental permits shall be required of all residential properties containing rented dwelling units or rooming units, or offered for that purpose, except for the following:

a. Lodging Facilities. Hotels, motels, inns, hostels, or bed and breakfasts.

b. Halfway Houses & Group Homes. Residential facilities authorized and operated under state and federal law, 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. Notwithstanding, such facilities shall comply with Section 7. a. 1) b) below.

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

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

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Blackstone, 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 this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

Principal Code Official – the Code Official designated by the Town Administrator to oversee and administer the rental program under this bylaw.

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

Emergency – Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

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

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 subject 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 lessor under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person with care, charge, or control 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 the Zoning 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 indicia 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).

Responsible Person – means an Owner, Occupant, Tenant, Local Agent, Property Manager or other natural person authorized to act as an Owner’s agent.

Responsible Party – means the person or persons responsible for a violation under this Bylaw, whether an Owner, Occupant, Tenant, Local Agent, or Property Manager.

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.

6. Registration & Permitting.

a. **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 Principal Code Official shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Town office. Complete rental permit applications shall be reviewed and permits shall be issued within fourteen (14) working days from the date of submission. Except as may otherwise be permitted by the Code Official, a rental permit application shall identify the total number of rental units on the property.

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

1) **Contact Information & Responsible Persons.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). Where the rental property owner(s) or agent does not have their principal residence or principal place of business in the town of Blackstone or within 20 miles of an Blackstone town line, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Blackstone 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 Code Official in writing of any change of Local Agent within five days of any such change.

2) **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town as set forth in Section 7 below. An owner or property manager may provide the Town with a single Self-Inspection and Certification Checklist for multiple units provided that said units are on a single property. Where said units represent a portion of the total rental units on the property, the applicant shall propose a schedule of Self-Inspection and Certification for the remaining units for the review and approval of the Code Official.

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

c. **Permit Posted.** A rental permit shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.

d. **Transferability.** Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use shall be subject to 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.

7. Inspections & Complaints.

a. **Self-Certification Program.** Owners of rental property governed by this bylaw 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 authority and/or 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 this bylaw in a manner consistent with or required by the laws of the Commonwealth.

1) Annual Owner Self-Inspections & Checklist.

a. **Owner Self-Inspection & Certification.** An owner or their local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or their agent shall sign the Checklist indicating, under pains and penalties 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 this bylaw.

b. **Subsidized Housing.** Where residential rental units are regularly inspected under requirements of the state or federal government, no Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be provided to the Town and shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.

c. Self- Inspections & Access. 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 pains and penalties of perjury, that a request for access was served to the tenant/occupant and the request was thereafter refused.

d. Lease Terms. Subject to and as limited by the laws of the Commonwealth, a provision requiring tenants to agree to provide reasonable access to the owner(s) or management company shall be a feature of any lease for a rental unit or property permitted under this bylaw. 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 Blackstone rental bylaw and inspection system. All leases shall provide an acknowledgment that all tenants have been made aware of these requirements.

e. Leases Available. Copies of all 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.

b. Self-Inspection for Different Circumstances

1) Short-Term Rentals. Dwelling units on owner-occupied properties serving as the owner's principal residence, and which contain no more than two (2) units may be rented under simple registration with the Town without the requirement for a rental permit for a period not to exceed one (1) calendar year under the following circumstances:

a. During a pending sale of the property by the owner-occupant, or

b. In response to regular or periodic interruptions in residency by the owner-occupant, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indicia of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), any such units shall be registered and a rental permit obtained in compliance with this bylaw.

2) Long-Term Tenancies & Periodic Self-Inspections. Rental units which have been leased and occupied continuously by the same tenant(s) for a period of not less than three (3) years shall require a Self-Inspection & Certification upon initial registration and thereafter at three (3) year intervals. Exceptions shall be that Self-Inspection & Certification will be required n c.
Complaints & Response Process.

Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official.

Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth.

Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a rental permit to an owner 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.

d. Access to Properties. In accordance with Section 7. a. 1) d), the permit holder shall make a good faith effort to arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

8. Tenant Information. The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet provided by the Town describing key local regulations; bylaws, including those pertaining to noise, alcohol and nuisance houses; and state laws and codes applying to rental properties. As part of the Registration and Self-Certification process, the owner shall attest to understanding the provided information and the necessity of compliance with the rules and laws described, as well as distributing it to tenants.

9. Occupancy Limits and Zoning. The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Blackstone Zoning Bylaw and State standards for fitness for habitation. The fact that a structure or use may be permitted or authorized under the Blackstone Zoning Bylaw shall not exempt said structure or use from application of this bylaw or relieve or excuse compliance herewith in any way.

10. Parking. All existing parking and any new or expanded parking on residential rental properties within the town of Blackstone shall comply with the General Requirements and Design Standards and Landscape Standards of the Parking & Access Regulations of the Blackstone Zoning Bylaw.

a. Parking Site Plan. A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any rental permit application. Submission of an existing site plan approved under a land use (zoning) permit and which accurately represents current on-site parking shall meet the requirements of this section.

1) Basic Parking Site 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 Blackstone's Zoning Bylaw, Town of Blackstone GIS mapping may be used as the base for a site plan developed under this section.

a) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i) Property boundaries
- ii) Existing driveways and pedestrian walks
- iii) Dwellings and structures
- iv) All existing and proposed on-site parking spaces
- v) Existing and proposed landscaped areas
- vi) Fencing or other barriers or screening
- vii) Site features such as 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.

2) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Code Official for compelling reasons of safety or design.

b. Review. Existing on-site parking and circulation shall be reviewed by the Code Official for conformance with existing zoning requirements, including but not limited to parking layout and circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

11. Fees. The Select Board or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of rental properties.

12. Enforcement.

a. Enforcement Personnel. The Town Administrator is hereby authorized to designate the Principal Code Official and other Town officials empowered to enforce or otherwise take actions under this Bylaw.

b. Enforcement Options. This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, 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. Furthermore, in appropriate circumstances, a civil action may be initiated to compel compliance herewith.

c. Violations. Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offense. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense.

d. Enforcement Procedures. Except for cases where conditions exist which may endanger or impair the health, or safety and well-being of a person or persons occupying the premises or as may otherwise be provided for by the Massachusetts Sanitary Code, Building Code, Fire Regulations or any other state or local law or regulation, the response of Code Officials to potential violations of this Bylaw shall include one or more of the actions as deemed necessary by the Code Official. Nothing herein shall supersede, alter, or vary the requirements of those codes or the responsibilities of the officials that administer them.

1) Complaint Filed. Any person may file a complaint regarding one or more violations of this Bylaw.

2) Property Research. The Code Official shall perform a limited initial research of the property to confirm permit history, assessor's information, and other pertinent information. The Code Official may contact the alleged violator, occupant or responsible party to gather additional information. When appropriate the Code Official shall notify the Owner that a complaint has been filed against the property and that an initial site inspection is anticipated.

3) Site Inspection. The Code Official shall conduct a site inspection to determine the validity of the complaint and collect any relevant facts of the case.

4) Notice of Violation/Enforcement Order. After inspecting the site and upon confirming that a violation exists, the Code Official shall inform the responsible party or parties in writing of the violation and specify a time period within which to correct the violation. Violations may be cited pursuant to the applicable state or local code or regulation.

5) Follow up Inspection. Shall be conducted upon the expiration of the time specified to correct the violation.

6) Fines. The Code Official may elect to impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.

7) Court Relief. If a violator fails to comply with an Enforcement Order, the Code Official may seek a court order to remedy the violation.

13. Penalties

a. Fines. Any violation of the provisions of this Bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, §21D. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.

b. Suspension. Based on the standard of proof and criteria specified herein the Principal Code Official is authorized to suspend a rental permit. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. The suspension of a rental permit shall be imposed to affect only those units which are the subject of the violation(s) and enforcement action(s). Permits may be suspended if:

1) An Owner or their Agent has knowingly allowed or assisted in allowing violations of this Bylaw. The Code Official must collect compelling documentation through his or her investigation to substantiate this violation and support the recommendation to suspend a permit.

2) An Owner or their Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or their Agent have not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or their Agent in writing that the permit is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve month period – 180 days

Third Offense in a twelve month period – 3 years

c. Immediate Suspension. In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the rental permit shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.

The Select Board is hereby authorized to establish and appoint a Rental Appeals Board (RAB), and to promulgate regulations for its membership and the conduct of its business.

Any decision by the Code Official to suspend a permit may be challenged by the permit holder by filing an appeal to the Rental Appeals Board (RAB). All appeals must be filed within 14 days of the decision and shall be heard within 30 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the Rental Appeals Board shall be final. Further relief of a decision by the RAB made under this Bylaw shall be reviewable in a court of competent jurisdiction.

AMENDMENT #2

ARTICLE 29. To see if the Town will vote to amend the provisions of the Blackstone Code, Chapter 114, (VEHICLES, OFF-ROAD) by deleting the existing Sections 114-1 and 114-2 and substituting therefore the following revised sections:

Section 114-1 Written permission required for use in certain areas. No person shall use or operate for recreation use a motorized off-road vehicle, including but not limited to minibikes, trail bikes, all-terrain vehicles (ATV's) or snowmobiles, or a similar motorized vehicle which is eligible for registration under Chapter 90B of the General Laws of the Commonwealth, on **(1)** any Town-owned property, except public roads and streets, or **(2)** private property, without prior written consent of the Town authority or landowner having the responsibility for the management of such property. Any such consent shall be temporary in nature, shall specify the period of time during which it is in force and shall be subject to the prohibitions, restrictions and requirements of all general laws, including, without limitation, Massachusetts General Laws, Chapter 90B.

Furthermore, unless a permit for such recreational use is obtained from the Blackstone Police Department, no such consent shall be granted for any parcel(s) of land with an area less than 1 acre, nor for any land within 200 feet of any residence other than the residence of the owner of the parcel(s) on which the consent is granted. Operation of such recreational vehicles shall be limited to the hours of 9:00 AM to 7:00 PM, and to a maximum of 2 hours during this time period on any day.

Section 114-2 Enforcement. The provisions of this article may be enforced by the Blackstone Police Department. Violators, including operating a motorized off-road vehicle or granting permission for such use that is not in compliance with the provisions of 114-1, shall be subject to a fine. Said fine shall be \$50 per offense and shall be enforced by the appropriate enforcing person and be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws, Noncriminal Disposition of Certain Violations. Violations of Chapter 90B shall be punishable as indicated in said Chapter 90B.

(Submitted by the Planning Board)

AMENDMENT #3

ARTICLE 31. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$25,000 for an Economic Development consultant, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)