

OCCUPANCY OF BUILDINGS

[HISTORY: Adopted by Annual Meeting of the Town of Yarmouth 4-7-81 as Art. 16. Amendments noted where applicable.]

GENERAL REFERENCES

Tourist camps - See Ch. 133.

Zoning - See Ch. 175.

108-1. Definitions.

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

PERSON - The owner of any building and the owner's agent and employees, and includes an individual, partnership, corporation, trust or association.

TENANT - Tenant, lessee, holder of a lease and any licensee or invitee of such tenant, and includes an individual, partnership, corporation, trust or association

108-2. Certificate of registration required; posting.

No person shall rent or lease, or offer to rent or lease, any building or any portion of a building to be used for human habitation without first registering with the Board of Health, which shall determine the number of persons such building or portion of a building may lawfully accommodate under the provisions of the Massachusetts State Sanitary Code, and without first also conspicuously posting within such building or portion of a building a certificate of registration provided by the Board of Health specifying the number of persons such building or portion of a building may lawfully accommodate.

108-3. Number of persons restricted.

No tenant shall lease, rent or occupy any building or any portion of a building subject to the provisions of this chapter if, at the time of such lease, rental or occupancy, the number of persons occupying such building or portion of a building exceeds the number of persons authorized to occupy such building or portion of a building by a certificate of registration, if issued and posted, the number of persons that may be lawfully accommodated as determined by the Board of Health under the Massachusetts State Sanitary Code.

108-4. fee. [Amended 4-12-88 by Art. 39, approved 4-12-88]

There shall be a fee to procure a certificate of registration, which shall be valid for one (1) year, or to December 31st of each year, whichever is sooner. Thereafter, the permit shall be renewed annually.

108-5. Revocation or suspension of permit. [Added 4-7-81 by Art. 18, approved 8-4-81]

A permit issued under this chapter shall be revoked if, at any time, the licensing authorities are satisfied that the licensee is unfit to hold the license. They may suspend and make inoperative, for such period of time as they may deem proper, the permit mentioned herein for any cause deemed satisfactory to them. The revocation and suspension shall not be made until after investigation and a hearing or after giving the licensee an opportunity to be heard. Notice of the hearing shall be delivered to the permittee not less than three (3) days before the time of said hearing.

108-6. Penalty. [Amended 4-7-81 by Art. 18, approved 8-4-81]

Any person or tenant violating any provision of this chapter shall be punished by a fine of not more than two hundred dollars (\$200.). Each day's violation constitutes a separate offense.

108-7. Nonapplicability. [Amended 4-7-81 by Art. 18, approved 8-4-81]

This chapter shall not apply to boarding- and lodging houses licensed under Chapter 140, Sec. 23, of the General Laws; motels licensed under Chapter 140, Sec. 23, of the General Laws; establishments licensed under Chapter 140, Sec. 2, of the General Laws.

108-8. Smoke detectors. [Added 4-9-85 by Art. 19, approved 6-6-85]

The owners of all rental units, as defined in 108-2, shall be required to certify annually that operating smoke detectors have been placed in the rental unit. The smoke detectors and locations thereof shall be satisfactory to the Yarmouth Fire Department.