

POLICY #88-3

RESIDENCY POLICY

Purpose:

The purpose of these regulations is to ensure that Yarmouth residents and taxpayers receive the benefit of the facilities which they are paying for through their tax dollars and to set reasonable controls so that these benefits are not provided to individuals who are neither Yarmouth residents nor Yarmouth taxpayers. The criteria for determining whether or not an individual is eligible to purchase various resident stickers and permits are described below. Additional regulations specific to particular stickers and permits may also apply.

Eligibility:

I. Individuals who meet the requirements for either of the following two categories are eligible for resident *Disposal, Beach, Golf* and *Shellfish* (Commercial and Recreational) benefits (e.g. stickers, passes, permits):

A. Resident: Individual who lives in Yarmouth but may not own their home. Proof of residency may be established by providing one of the following items. In the event that the Town has reason to believe that an individual does not reside in Yarmouth, two forms of proof may be required.

1. One-year lease for habitable dwelling in Yarmouth listing individual or individual's spouse or parent/guardian; or
2. Appearance on Yarmouth census for two consecutive years; or
3. Auto excise tax bill with Yarmouth address; or
4. Water bill for residential dwelling in Yarmouth; or
5. Valid driver's license with Yarmouth address.

B. Residential Taxpayer: Owner/Taxpayer or spouse/dependent of owner/taxpayer for a residential property. Proof of residential taxpayer status may be established by providing:

1. Real estate tax bill for a habitable dwelling with a MA Dept. of Revenue Property Classification code of 101, 102, 103, 104, 105 or 109. A property that operates as a hotel or motel pursuant to a Special Permit issued by the Board of Appeals shall not be considered a residential property for the purposes of this Residency Policy (see Commercial Taxpayer below.)
2. **A life tenancy agreement for a habitable dwelling as defined in I.B.1. above.**

II. Individuals who meet the requirements for either of the following two categories are eligible for *Disposal, Beach, Golf* and *Recreational Shellfish* (no Commercial Permits) benefits:

A. Family Corporations or Trusts - Up to four (4) officers or trustees may be awarded resident Disposal, Beach and Golf stickers/passes and one Recreational Shellfish

permit on behalf of a family corporation or trust that owns a residential property in Yarmouth. Proof of eligibility may be established by provision of:

1. Duly executed trust document listing individual as trustee; or,
2. Articles of incorporation listing individual as corporate officer; and
3. Real estate tax bill for habitable dwelling (MA Dept. of Revenue Property Classification codes 101, 102, 103, 104, 105, 109).

B. Individual Connected to Yarmouth Taxpayers - An individual who can document a shared permanent address with a Yarmouth Residential Taxpayer. (i.e. Two individuals share an off-Cape permanent address and one of them owns a second home in Yarmouth.) The Yarmouth Taxpayer must provide a real estate tax bill for a habitable dwelling and the shared residence outside of Yarmouth must be documented by having each individual provide one of the following:

1. Driver's license
2. Official census record
3. Voter registration
4. Auto registration

III. Individuals who meet the following criteria are eligible for resident ***Beach, Golf*** and ***Recreational Shellfish*** (no Commercial Permits) benefits but NOT for a Disposal sticker:

A. Commercial Taxpayer - The owner/taxpayer of commercial property is eligible for one Beach stickers, one resident Golf pass and one Recreational Shellfish permit. Proof of eligibility may be established by provision of:

1. Real estate tax bill or deed for a commercial property

B. Taxpayer for Residential Property without habitable dwelling - The owner/taxpayer for residential property upon which there is no habitable dwelling but upon which a residence could be legally built is eligible for Beach stickers, for one resident Golf pass and for one Recreational Shellfish permit. The Building Commissioner shall determine whether or not a residence could legally be built upon the subject property.

Commercial Vehicles

An individual who meets the requirements described in any one of the four categories listed under sections I. and II. and who drives a commercial vehicle for personal use may purchase a Disposal sticker for that vehicle only if he/she provides a letter on company letterhead signed by his/her supervisor stating that the individual is authorized to use the company vehicle for personal use.

Definitions

SPOUSE - Husband or wife

DEPENDENT - A person under age eighteen (18) who is the son, daughter of the taxpayer/resident or is under the legal custody of the taxpayer/resident.

APPROVED BY BOARD OF SELECTMEN:

DATE:

Adopted October 25, 1988

Amended October 27, 2003

Amended June 14, 1990 – 90-4

Amended June 17, 2004

March 15, 2006

H:\POLICIES\residency requirement policy- PJSrev.doc

Resident Eligibility At-A-Glance

	Eligible for resident sticker/pass?			Recreation Shellfish	Commercial Shellfish
	Beach	Golf	Disposal		
Resident - Permanent address in Yarmouth. See Residency Policy for details on proof of residency.	YES	YES	YES	YES, limit 1 permit per property	YES
Residential Taxpayer - pays taxes on a residential property with a residential dwelling	YES	YES	YES	YES, limit 1 permit per property	YES
Commercial Taxpayer - taxpayer/owner of commercial property in Yarmouth	YES, limit 1 per property	YES, limit 1 pass per property	NO	YES, limit 1 permit per property	NO
Other Taxpayer - pays taxes on a residential parcel of land upon which there is no dwelling but a dwelling could legally be built	YES	YES, limit 1 pass per property	NO	YES, limit 1 permit per property	NO
Family Corporations or Trusts - maximum of 4 stickers/passes awarded to corporation officers/trustees	YES, limit 4 per property	YES, limit 4 per property	YES, limit 4 per property	YES, limit 1 permit per Corporation /Trust	NO
Individuals Connected to Yarmouth Residential Taxpayers - someone who documents a shared address with a Yarmouth taxpayer (i.e. They live together off cape. One of them owns a second home in Yarmouth.)	YES	YES	YES	YES, limit 1 permit per property	NO