

**Canandaigua Town Board
Meeting Agenda
October 19, 2020
6:00pm**

Zoom Meeting ID:

<https://us02web.zoom.us/j/89464901470?pwd=bUhsaEg0dWZOandVcjhuNIQ1cFRsZz0>

9

Meeting ID: 894 6490 1470 — Passcode: 020750

Dial by your location: 646-558-8656 (New York)

- Call To Order and Pledge of Allegiance
- Pledge led by Town Council member, Jared Simpson
- Roll Call
- Town Clerk Confirmation meeting was properly advertised

- Priority Business
 - Town Manager – Information Technology / Network files
 - Additional October Town Board meeting request

- Presentations

Continued Public Hearings

- None

New Public Hearings:

- Public Hearing on Town of Canandaigua 2021 Preliminary Budget
NOTE: This public hearing pertains to Resolution No. 2020-211

- Reports of Town Officials and Department Heads – (attachment #1)

- Reports of Committees, Boards and Commissions
 1. Town Board Committees (as needed)
 - a. Finance – Councilwoman Dworaczyk
 - b. Planning – Councilman Fennelly
 - c. Environmental – Councilman Simpson
 - d. Ordinance – Councilman Davis (attachment #3 – proposed local laws)
 2. Planning Board, Chairman Oyler
 3. Zoning Board of Appeals, Chairman Robinson
 4. Environmental Conservation Board, Chairwoman Marthaller
 5. Citizens' Implementation Committee, Chairwoman Reynolds
 6. Parks & Recreation Committee, Chairman MacNeil
 7. Special Events Committee, Chairwoman Fuller
 8. Agriculture Committee, Chairman DiCarlo
 9. Drainage Committee, Chairman Oyler

➤ Privilege of the Floor

➤ Resolutions

Continued Resolutions:

New Resolutions:

RESOLUTION NO. 2020 – 211: ADOPTION OF THE 2021 ANNUAL TOWN OF CANANDAIGUA OPERATING BUDGET

WHEREAS, the Town Board of Canandaigua (herein after referred to as “Town Board”) having duly held a public hearing on October 19, 2019 at 6:00 p.m. on the preliminary budget filed with the Town Clerk for fiscal year 2021, including general Town funds, highway, water, fire districts funds, special improvement districts funds, lighting district funds, and elected officials salaries, having heard all persons desiring to be heard on the matter of the budget for the Town for fiscal year 2021, and having been fully discussed and considered; and

WHEREAS, the 2021 Town of Canandaigua Preliminary Budget with a total amount of \$11,637,559 is tax cap compliant; and

NOW THEREFORE BE IT RESOLVED, that the preliminary budget is hereby adopted and approved by the Town Board as documented by the Town Manager and Town Clerk, including general Town funds, highway, water, fire districts funds, special improvement districts funds, lighting district funds, and elected officials salaries, for 2021, and is hereby established as the annual budget for the Town of Canandaigua for fiscal year 2021; and

NOW THEREFORE BE IT RESOLVED, that the Town Manager and Town Clerk shall prepare and certify the 2021 annual budget as provided by law, and duplicate copies of the 2021 annual budget shall be delivered to the Supervisor, the Town Board, the Town Manager, Town Department Heads, and if required, to the Ontario County Board of Supervisors, the Ontario County Director of Real Property, and the New York State Office of the Comptroller.

NOTE: Rather than attaching to this resolution, the 2021 tentative and preliminary budget(s) are available to view on the Town’s website (www.townofcanandaigua.org) under ‘Budget’ in their entirety.

RESOLUTION NO. 2020 – 212: SETTING A SPECIAL OCTOBER 2020 TOWN BOARD MEETING FOR THE PURPOSES OF TOWN BOARD BUSINESS AS NEEDED

WHEREAS, the Town Board of Canandaigua (herein after referred to as “Town Board”) has been made aware of information technology issue that has prevented the normal assembly of the Town Board agenda with resolutions; and

WHEREAS, the Town Manager is requesting an additional meeting of the Town Board during the month of October 2020 in order to present additional resolutions to the Town Board for consideration along with the normal bills and abstracts; and

NOW THEREFORE BE IT RESOLVED, the Town Board hereby sets a Town Board meeting for October _____, 2020 at 6:00pm at the Town Hall, located at 5440 Route 5&20 West, Canandaigua, NY 14424 for the purposes of conducting Town Board businesses as needed.

RESOLUTION NO. 2020 - 213: ORDER SETTING PUBLIC HEARING FOR THE CRAMER ROAD WATER DISTRICT EXTENSION TO THE CANANDAIGUA CONSOLIDATED WATER DISTRICT

WHEREAS, the Town Board of the Town of Canandaigua (“Town Board”) adopted a Water Master Plan in 2017; and

WHEREAS, said Water Master Plan identified the Cramer Road Water District Extension that will interconnect two portions of the Canandaigua Consolidated Water District via Cramer Road to enhance water quality and flows within the surrounding district, and will provide service and fire protection to the existing residences on Cramer Road; and

WHEREAS, the Town Board hereby sets forth the following information as required by NYS Town Law:

- (1) BOUNDARIES OF PROPOSED EXTENSION. The proposed extension shall be on Cramer Road between Rock Oak Hill Road and Middle Cheshire Road. Specific boundaries are defined in the MRB Group Report available for inspection in the Town Clerk’s Office.
- (2) DESCRIPTION OF PROPOSED IMPROVEMENTS: Installation of 3,800 linear feet of 8” watermain.
- (3) MAXIMUM AMOUNT PROPOSED TO BE EXPENDED: \$165,000.
- (4) ESTIMATED COST OF HOOK-UP FEES: \$1,715.

- (5) ESTIMATED COST TO TYPICAL PROPERTY (1-2 FAMILY HOME):
\$378.45.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby ORDERS that a Public Hearing shall be held on November 16, 2020 at 6:00 PM at the Town of Canandaigua Town Hall, located at 5440 Routes 5 & 20, Canandaigua, NY 14424 at which the Town Board will meet to consider the proposed CRAMER ROAD EXTENSION to the CANANDAIGUA CONSOLIDATED WATER DISTRICT and will hear all persons interested in the subject thereof concerning the same; and

BE IT FURTHER RESOLVED, that the Town Board hereby ORDERS that the Town Clerk shall publish this Resolution and ORDER as follows:

- (a) Publication of this ORDER at least once in the Official Paper, not less than 10 days, nor more than 20 days before the hearing date stated above;
- (b) Posting of this ORDER on the Town Signboard in Town Hall not less than 10 days, nor more than 20 days before the hearing date stated above;
- (c) Posting of this ORDER on the Town of Canandaigua Website; and

BE IT FURTHER RESOLVED, that the Town Board hereby ORDERS that the Town Clerk shall make the Engineer's Report for the Cramer Road Water District Extension to the Town of Canandaigua Consolidated Water District, prepared by MRB Group (Updated September 2020) available for inspection at the Office of the Town Clerk.

(Attachment #2)

**RESOLUTION NO. 2020 - : AUTHORIZATION OF SURETY ACCEPTANCE,
TEMPORARY AUTHORIZATION FOR TOWN MANAGER TO ALLOW PERMITS TO
BE ISSUED THROUGH NOVEMBER 19, 2020**

WHEREAS, the Town Board of Canandaigua (herein after referred to as "Town Board") as a normal process accepts letter of credit sureties prior to the issuance of permits; and

WHEREAS, due to a temporary Information technology issue the letter of credit Information is not able to be presented in its entirety; and

WHEREAS, the Town Board wishes to allow permits to be issued in compliance with the normal Town policies and procedures; and

NOW THEREFORE BE IT RESOLVED, the Town Board does hereby authorize the Town Manager to authorize the issuance of building permits for letter of credit sureties,

once reviewed and approved by the Town Attorney, for a period of thirty days through November 19, 2020; and

BE IT FINALLY RESOLVED, the Town Manager is directed to present letter of credit surety information he has authorized as soon as possible for acceptance by the Town Board at the next scheduled Town Board meeting.

➤ Payment of the Bills

Abstract Claim Fund Totals presented by Town Clerk

Voucher Summary Report for Town Board signatures

(By signing, Town Board members represent they have reviewed the purchases for compliance with the Town's approved policies & approve of the prepared Voucher Summary Report and the attached invoices)

Utility Abstract dated October 7, 2020 totaling \$212,163.05

General Fund: \$ 6,317.55

Highway Fund: \$ 47.19

Lighting Districts: \$1,101.28

Water Districts: \$195,072.03

Trust & Agency: \$9,625.00

➤ Privilege of the Floor

➤ Other Business

➤ Privilege of the Floor

➤ Executive Session, as requested

➤ Adjournment

ATTACHMENT # 1



Summary Statement

September 30, 2020

Page 1 of 15

Investor ID: NY-01-1004

0003324-0017797 PDF 927567

Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, NY 14424

NYCLASS

NYCLASS Average Monthly Yield: 0.0474%

		Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NY-01-1004-0001	INVESTMENTS	2,000,735.67	0.00	0.00	77.67	813.34	2,000,777.94	2,000,813.34
NY-01-1004-0002	CONT. TAX RESERVE (AA231)	549,044.54	0.00	0.00	21.36	2,717.49	549,056.16	549,065.90
NY-01-1004-0003	OPEN SPACE RESERVE (AA234)	733,065.15	0.00	0.00	28.43	3,549.17	733,080.62	733,093.58
NY-01-1004-0004	PARKS FUND (CM100/CR)	651,682.12	0.00	0.00	25.31	1,707.43	651,695.89	651,707.43
NY-01-1004-0005	HWY EQUIP RESERVE (DA230)	186,751.05	0.00	0.00	7.26	924.38	186,755.00	186,758.31
NY-01-1004-0006	HWY IMPROV RESERVE (DA232)	208,428.72	0.00	0.00	8.09	902.19	208,433.11	208,436.81

Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, NY 14424

NYCLASS - (continued)

		Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NY-01-1004-0007	HWY SNOW RD REPAIR RESERVE (DA235)	205,250.32	0.00	0.00	7.95	1,015.85	205,254.66	205,258.27
NY-01-1004-0008	REPAIR RESERVE FUND (AA232)	155,777.03	0.00	0.00	6.01	674.30	155,780.30	155,783.04
NY-01-1004-0009	TECHNOLOGY RESERVE FUND (AA233)	12,464.60	0.00	0.00	0.55	54.00	12,464.89	12,465.15
NY-01-1004-0010	NYS EMP SYST RESERVE (AA235)	226,127.82	0.00	0.00	8.80	978.80	226,132.60	226,136.62
NY-01-1004-0011	BONDED INDEBTEDNESS RESERVE (AA237)	100,430.77	0.00	0.00	3.88	434.65	100,432.89	100,434.65
NY-01-1004-0012	SOLID WASTE MGMT RESERVE (AA238)	301,041.15	0.00	0.00	11.68	1,046.09	301,047.51	301,052.83
TOTAL		5,330,798.94	0.00	0.00	206.99	14,817.69	5,330,911.57	5,331,005.93

INVESTMENTS

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	2,000,735.67	0.00	0.00	77.67	813.34	2,000,777.94	2,000,813.34

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			2,000,735.67	
09/30/2020	Income Dividend Reinvestment	77.67			
09/30/2020	Ending Balance			2,000,813.34	

CONT. TAX RESERVE (AA231)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	549,044.54	0.00	0.00	21.36	2,717.49	549,056.16	549,065.90

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			549,044.54	
09/30/2020	Income Dividend Reinvestment	21.36			
09/30/2020	Ending Balance			549,065.90	

OPEN SPACE RESERVE (AA234)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	733,065.15	0.00	0.00	28.43	3,549.17	733,080.62	733,093.58

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			733,065.15	
09/30/2020	Income Dividend Reinvestment	28.43			
09/30/2020	Ending Balance			733,093.58	

PARKS FUND (CM100/CR)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	651,682.12	0.00	0.00	25.31	1,707.43	651,695.89	651,707.43

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			651,682.12	
09/30/2020	Income Dividend Reinvestment	25.31			
09/30/2020	Ending Balance			651,707.43	

HWY EQUIP RESERVE (DA230)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	186,751.05	0.00	0.00	7.26	924.38	186,755.00	186,758.31

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			186,751.05	
09/30/2020	Income Dividend Reinvestment	7.26			
09/30/2020	Ending Balance			186,758.31	

HWY IMPROV RESERVE (DA232)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	208,428.72	0.00	0.00	8.09	902.19	208,433.11	208,436.81

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			208,428.72	
09/30/2020	Income Dividend Reinvestment	8.09			
09/30/2020	Ending Balance			208,436.81	

HWY SNOW RD REPAIR RESERVE (DA235)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	205,250.32	0.00	0.00	7.95	1,015.85	205,254.66	205,258.27

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			205,250.32	
09/30/2020	Income Dividend Reinvestment	7.95			
09/30/2020	Ending Balance			205,258.27	

REPAIR RESERVE FUND (AA232)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	155,777.03	0.00	0.00	6.01	674.30	155,780.30	155,783.04

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			155,777.03	
09/30/2020	Income Dividend Reinvestment	6.01			
09/30/2020	Ending Balance			155,783.04	

TECHNOLOGY RESERVE FUND (AA233)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	12,464.60	0.00	0.00	0.55	54.00	12,464.89	12,465.15

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			12,464.60	
09/30/2020	Income Dividend Reinvestment	0.55			
09/30/2020	Ending Balance			12,465.15	

NYS EMP SYST RESERVE (AA235)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	226,127.82	0.00	0.00	8.80	978.80	226,132.60	226,136.62

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			226,127.82	
09/30/2020	Income Dividend Reinvestment	8.80			
09/30/2020	Ending Balance			226,136.62	

BONDED INDEBTEDNESS RESERVE (AA237)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	100,430.77	0.00	0.00	3.88	434.65	100,432.89	100,434.65

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			100,430.77	
09/30/2020	Income Dividend Reinvestment	3.88			
09/30/2020	Ending Balance			100,434.65	

SOLID WASTE MGMT RESERVE (AA238)

Account Summary

Average Monthly Yield: 0.0474%

	Beginning Balance	Contributions	Withdrawals	Income Earned	Income Earned YTD	Average Daily Balance	Month End Balance
NYCLASS	301,041.15	0.00	0.00	11.68	1,046.09	301,047.51	301,052.83

Transaction Activity

Transaction Date	Transaction Description	Contributions & Income Earned	Withdrawals	Balance	Transaction Number
09/01/2020	Beginning Balance			301,041.15	
09/30/2020	Income Dividend Reinvestment	11.68			
09/30/2020	Ending Balance			301,052.83	

NYCLASS

NYCLASS

Date	Dividend Rate	Daily Yield
09/01/2020	0.000001506	0.0551%
09/02/2020	0.000001506	0.0551%
09/03/2020	0.000001506	0.0551%
09/04/2020	0.000005054	0.0462%
09/05/2020	0.000000000	0.0462%
09/06/2020	0.000000000	0.0462%
09/07/2020	0.000000000	0.0462%
09/08/2020	0.000001273	0.0466%
09/09/2020	0.000001313	0.0481%
09/10/2020	0.000001314	0.0481%
09/11/2020	0.000003938	0.0480%
09/12/2020	0.000000000	0.0480%
09/13/2020	0.000000000	0.0480%
09/14/2020	0.000001311	0.0480%
09/15/2020	0.000001285	0.0470%
09/16/2020	0.000001286	0.0471%
09/17/2020	0.000001285	0.0470%
09/18/2020	0.000003801	0.0464%
09/19/2020	0.000000000	0.0464%
09/20/2020	0.000000000	0.0464%
09/21/2020	0.000001267	0.0464%
09/22/2020	0.000001232	0.0451%
09/23/2020	0.000001232	0.0451%
09/24/2020	0.000001232	0.0451%
09/25/2020	0.000003789	0.0462%
09/26/2020	0.000000000	0.0462%
09/27/2020	0.000000000	0.0462%
09/28/2020	0.000001238	0.0453%
09/29/2020	0.000001232	0.0451%
09/30/2020	0.000001233	0.0451%

ATTACHMENT # 2

PUBLIC INFORMATIONAL MEETING

CRAMER ROAD WATER DISTRICT EXT. TO THE TOWN OF CANANDAIGUA CONSOLIDATED WATER DISTRICT

TOWN OF CANANDAIGUA
ONTARIO COUNTY, NEW YORK

DATE: TBD

BACKGROUND

FINANCING/COST IMPACTS

The following financial summary is based on the proposed district extension and:

1. Assessment information provided by the Town Assessor
2. Total Assessed Valuation (TAV) of \$1,468,000 within the Ext.
3. Operation and Maintenance charge of \$0.65/1,000 TAV
4. Annual Commodity charge for water based on 51,000 gallons/year usage.
5. Installation by Town

- The total estimated project cost of \$165,000 could be funded in the following manner:

3

<u>202 (b) Benefit to Parent District</u>	<u>Loan Financed by Extension</u>	<u>Debt Service</u>	<u>Annual Water Charge</u>
\$165,000 (100%)	\$0	\$0/1,000 TAV	\$378.45

Notes:

- a) Annual Water Charge is based on the TOTAL of the debt service charge, O&M Charge (\$0.65/TAV), and Commodity Charge (based on water usage).
 - b) Typical Single Family TAV = \$240,916 +/-
 - c) Commodity Charge is based on typical consumption estimated @ \$221.85/year
- Vacant farmland with an 'Agricultural Exception' is not subject to district charges unless connected to the system. All other farmland with an 'Agricultural Exemption' is typically assessed for the structure plus 1 acre of land.
 - In addition, the following one-time connection charges are anticipated:

Hook-Up Charge

¾" Water Service & Meter	\$850
¾" Water Service, Meter, & Meter Pit*	\$1,400

1" Water Service & Meter	\$925
1" Water Service, Meter, & Meter Pit*	\$1,715

Installation of Individual Water Service**	\$8-\$12 per foot
--	--------------------------

* It is also important to note that if your house is located a significant distance from the road (i.e., 500 linear feet or more) you may be required to install a residential meter pit on your property, at an additional cost.

** The estimated cost of the water service line between your home and the curb box at the road right-of-way. Your total cost for this item will depend upon the size of the service you elect to install, the distance from the road right-of-way to your home, soil conditions, etc.

NEXT STEPS

- Circulate an informal petition based on the information presented here today and request the Town to prepare a Map/Plan & Report as required by Town Law to initiate the district extension process.
- The district may then be created by an official petition or by Town Board resolution, subject to a permissive referendum.

KEY FACTORS

- The total project cost are **estimates**, based on the preliminary information available at this time, and experience with projects of similar scope. However, the cost is highly dependent upon the market conditions. The material cost of pipe has varied significantly from time to time throughout the past few years.
- Audit and Control review and approval if the total annual cost of water exceeds \$912.00 (2020)

ATTACHMENT # 3

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA

Local Law No. _____ of the year 20 20

A local law TO AMEND THE DEFINITION OF NATURAL RESOURCES INVENTORY (NRI)

(Insert Title)

CONTAINED IN TOWN CODE 1-17

Be it enacted by the TOWN BOARD _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of _____ as follows:

SEE ATTACHED SCHEDULE "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20²⁰ of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20²⁰, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

TOWN OF CANANDAIGUA
LOCAL LAW # ____ OF 2020

ATTACHMENT "A"

SECTION ONE. The definition of Natural Resources Inventory contained in Town Code § 1-17 shall be replaced in its entirety with the following:

NATURAL RESOURCES INVENTORY (NRI)

The document adopted by resolution of the Canandaigua Town Board on November 16, 2020, entitled "Town of Canandaigua Natural Resources Inventory Update" together with the maps and appendices attached thereto. Copies of the NRI report and maps are available at the Town Clerk's Office.

SECTION TWO. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION THREE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA

Local Law No. _____ of the year 20 20

A local law TO AMEND TOWN CODE WITH RESPECT TO OFF-SITE PARKING REQUIREMENTS
(Insert Title)

Be it enacted by the TOWN BOARD _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of _____ as follows:

SEE ATTACHED SCHEDULE "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20²⁰ of
the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the
TOWN BOARD on _____ 20____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective
Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20<sup>| | |
|--|--|
| | |
|--|--|</sup>, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____
20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____
20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there
be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is
vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: _____

(Seal)

TOWN OF CANANDAIGUA
LOCAL LAW # ____ OF 2020

ATTACHMENT "A"

SECTION ONE. The definition of PARKING SPACE, OFF-STREET contained in Town Code § 1-17 shall be replaced in its entirety with the following:

PARKING SPACE, OFF-STREET. A space located outside a public right-of-way adequate for parking a motor vehicle, exclusive of passageways and driveways appurtenant thereto.

SECTION TWO. Town Code § 174-22(A) shall be replaced in its entirety with the following:

- A. In addition to the requirements in this section, proposed parking, loading areas and site access shall comply with Town Code §§ 220-9V, 220-73, 220-74, 220-75, and 220-76 respectively.

SECTION THREE. Town Code § 174-22(B) shall be replaced in its entirety with the following:

- B. All parking areas, passageways and driveways, except when provided in connection with one- and two-family residential uses, shall be surfaced with a dustless, durable, all-weather surface.

SECTION FOUR. Town Code § 174-22(D) shall be removed in its entirety, and listed as "Reserved."

SECTION FIVE. Town Code § 174-22(E) shall be replaced in its entirety with the following:

- E. In locations where deterrence of unwanted parking is necessary, pavement striping is discouraged in favor of alternate means.

SECTION SIX. Town Code Chapter 220, Attachment 3 – Schedule II, Off-Street Parking, shall be deleted in its entirety.

SECTION SEVEN. Town Code § 220-9(C) shall be replaced in its entirety with the following:

- C. Every developed lot of record shall have access to a public street. Access may be either direct or by private road or drive. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire

protection and required off-street parking. Further standards may be found within the Town of Canandaigua Site Design and Development Criteria.

SECTION EIGHT. Town Code § 220-20(D)(1)(c)(9) shall be replaced in its entirety with the following:

[9] Common off-street parking areas may be allowed.

SECTION NINE. Town Code § 220-20(D)(1)(c)[10] shall be deleted in its entirety.

SECTION TEN. Town Code § 220-20(D)(1)(c)[12] shall be deleted in its entirety.

SECTION ELEVEN. Town Code § 220-20(D)(1)(g)[1] shall be deleted in its entirety.

SECTION TWELVE. Town Code § 220-61(F) shall be deleted in its entirety.

SECTION THIRTEEN. The "Purpose" provision in Town Code § 220-73 shall be replaced in its entirety with the following:

Purpose: There are no provisions that establish a minimum number of off-street parking spaces for development. However, certain development proposals are required to complete a parking demand analysis, which will assist in determining off-street parking spaces required. In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, improved and usable off-street parking spaces for motor vehicles in accordance with the requirements of this article, the New York State Uniform Fire Prevention and Building Code, and Federal Americans with Disabilities Act.

SECTION FOURTEEN. Town Code § 220-73(A) shall be replaced in its entirety with the following:

(A) Authority. Parking requirements shall be determined by the Planning Board in the course of their respective reviews of any site plan, subdivision, special use permit, or other necessary review.

SECTION FIFTEEN. Town Code § 220-73(B) shall be replaced in its entirety with the following:

(B) Design requirements.

(1) Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. Required dimensional standards can be found within the Town of Canandaigua Site Design and Development Criteria.

- (2) Off-street parking areas for nonresidential uses shall provide sufficient area for access drives and aisles.
- (3) Off-street parking areas with a capacity for more than 20 vehicles shall delineate fire lanes and post "no parking" markers.
- (4) Any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of 10% of those spaces as reserved only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least 14 feet in width and 20 feet in depth.
- (5) All parking areas, passageways and driveways (except where provided in connection with one- and two-family dwellings, or farm residences and buildings) shall be adequately drained and will have a durable surface, subject to approval of the Town Planning Board.
- (6) Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
- (7) Parking areas may be located in any yard space for nonresidential uses but shall not be located:
 - (a) So as to impinge on the minimum required buffer width, as measured from the property lot line, as established in § **220-76D**; or
 - (b) For properties of 60,000 square feet or less in size, any closer than 10 feet to any side or rear property line unless specifically approved by the Planning Board as part of a multiple-parcel shared parking plan; or
 - (c) For properties greater than 60,000 square feet in size, any closer than 20 feet to any side or rear property line unless specifically approved by the Planning Board as part of a joint use parking plan.
- (8) Driveways to Off-Street Parking.

- (a) No driveway to an off-street parking area shall be located closer than 50 feet to the intersection of any two streets or within 10 feet of any side lot line identified in § 220-9V(3) or 20 feet servicing a lot identified in § 220-9V(4) of this chapter, provided further that

[1] Sufficient distance will always remain for all required radii for said driveway,

[2] Said driveway will not be determined by the Planning Board to adversely affect the minimum sight distance for motorists, as recommended in various Town, county and state highway design and traffic safety manuals, or prevent the stacking of vehicles along the highway where there is a traffic control device operating.

- (b) The Planning Board may require a different distance to the intersection of any two streets as a condition of approval where a traffic study identifies that said distance would improve safety and efficiency.
- (c) The distance from the driveway to the intersection shall be measured by extending the curb or pavement line of the intersecting street until it intersects the curb or pavement line, extending, if necessary, to the driveway in questions.
- (d) The maximum separation required by § 220-9V(2), (3), or (4) shall be maintained between two driveways located on any one frontage.

SECTION SIXTEEN. Town Code § 220-73(C) shall be replaced in its entirety with the following:

- C. Location of off-site parking facilities. Required off-street parking is allowed on a separate parcel within 1,320 feet of the use served, as measured by closest walking distance from the closest public entrance to the off-site parking lot. Where parking is provided off-site, adequate provisions for safe, pedestrian travel shall be required.

SECTION SEVENTEEN. The following new subsection (3) shall be added to Town Code § 220-73(D):

- (3) Lighting shall comply with the requirements of Town Code § 220-77.

SECTION EIGHTEEN. Town Code § 220-73(F) shall be deleted in its entirety.

SECTION NINETEEN. Town Code § 220-73(G) shall be replaced in its entirety with the following:

Joint use. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly if supported by a shared parking analysis. This analysis shall be based upon accepted standards. The right to joint use of the parking space must be evidenced by a deed, lease, contract, contract or other appropriate written document to establish the joint use.

SECTION TWENTY. Town Code § 220-73(H) shall be replaced in its entirety with the following:

Required off-street parking spaces. Off-street parking shall be provided to meet the realistic demand for the proposed land use. The applicant shall calculate this demand based on standards such as the Institute of Transportation Engineer's Parking Generation Reports, Urban Land Institute, observed local demand analysis, or any other standard acceptable to the Planning Board.

(1) Applicability. Projects exceeding the following thresholds shall provide a parking demand analysis:

- a. New construction of principle building/s in excess of 5,000 square feet of gross floor area; or
- b. The substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use;
- c. Or upon request of the Planning Board during the course of their review.

(2) Exemptions:

- a. All Single-Family Dwellings and Two-Family Dwellings; or
- b. Generally accepted agricultural operation or practice occurring within an established Ontario County Agricultural District, and Temporary Farm Stands; or
- c. As otherwise stated within Chapter 220.

(3) Waiver for current construction:

- a. Applicant may request the Planning Board waive the requirement to construct off-street parking spaces during initial construction.

- b. Applicant shall specify on a Site Plan which off-street parking spaces are to be delayed, including the total number of spaces, and to provide justification for the waiver request.
 - c. Such off-street parking spaces shall be included as if to be constructed in any SEQR consideration and planning approvals.
 - d. The future construction of the subject spaces shall require a Site Development Permit and be exempt from Site Plan review if in substantial conformance with the approved plans.
 - e. If granted, the Planning Board may also impose additional conditions as needed to achieve the objectives of this chapter.
-

SECTION TWENTY ONE. Town Code § 220-73(I) shall be replaced in its entirety with the following:

Authority for Planning Board to modify requirements of § 220-73.

(1) The Planning Board is hereby authorized to modify the required number of off-street parking spaces.

(2) Such modification may take place after the Planning Board finds that:

- (a)** Applicant has demonstrated that adequate, public off-street parking facilities are available within 1,320 feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route; or
 - (b)** Applicant can document that a notable percentage of their customers will be transported to and from their premises in buses, bikes, walking or other forms of alternative transportation; or
 - (c)** Applicant provides a Transportation Management Plan documenting off-peak work hours, preferential parking, financial incentives, or some other manner for reducing parking demand.
-

The requirement is found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan. **(3)** Where the Planning Board modifies the required number of parking spaces pursuant to this section, the Planning Board shall impose such conditions as it deems necessary and shall make findings supporting their decision regarding a waiver.

SECTION TWENTY TWO. The following shall be added to the Town of Canandaigua's Site Design and Development Criteria under Article II – Design Standards as § 2.13(A): Stall and Aisle Dimensions. All off-street parking spaces and drive aisles must comply with the minimum dimensional standards shown below in "Parking Stall and Drive Aisle Dimensions" with the following exceptions:

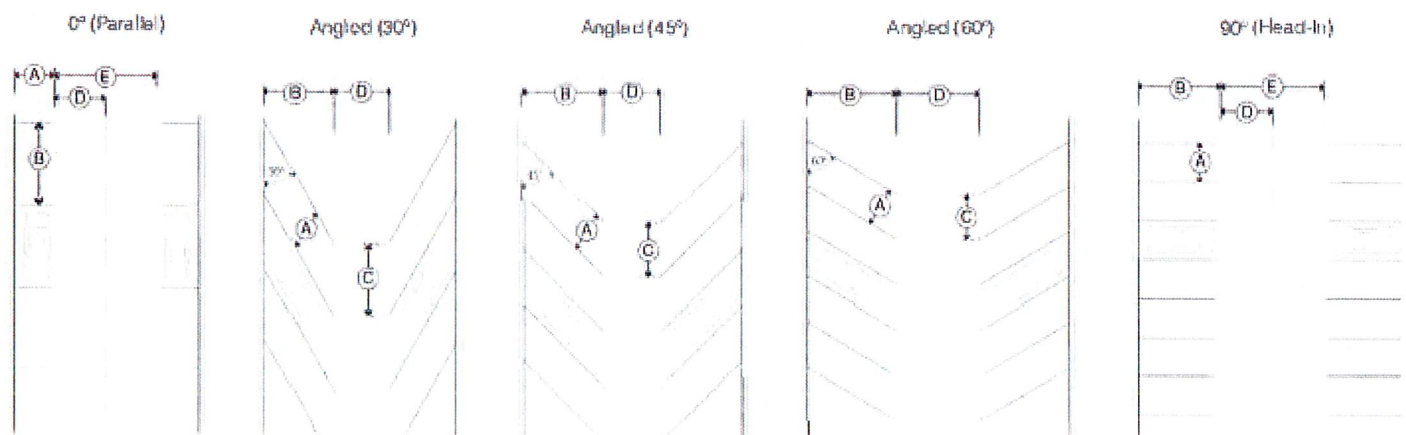
1. Motorcycle and scooter parking stalls must measure at least four feet in width and eight feet in depth.
2. Mechanical access parking is exempt from parking stall and drive aisle dimensional requirements.

SECTION TWENTY THREE. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION TWENTY FOUR. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

PARKING STALL AND DRIVE AISLE DIMENSIONS

STALL ANGLE	STALL WIDTH (MIN) (A)	STALL DEPTH (MIN) (B)	SKEW WIDTH (MIN) (C)	DRIVE AISLE WIDTH, 1-WAY (MIN) (D)	DRIVE AISLE WIDTH, 2 WAY (MIN) (E)	VERTICAL CLEARANCE (MIN)
0 degrees (parallel)	8'	18'	8'	11'	22'	7' 6"
30 degrees	8' 6"	15'	16' 6"	11'	--	7' 6"
45 degrees	8' 6"	17' 9"	11' 8"	11' 10"	--	7' 6"
60 degrees	8' 6"	19'	9' 6"	13' 6"	--	7' 6"
90 degrees (head-in)	8' 6"	18'	8' 6"	--	23'	7' 6"



Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA

Local Law No. _____ of the year 20²⁰

A local law TO ADD REQUIREMENTS TO TOWN CODE RELATED TO SHORT-TERM RENTALS
(Insert Title)

Be it enacted by the TOWN BOARD _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of _____ as follows:

SEE ATTACHED SCHEDULE "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2020 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

TOWN OF CANANDAIGUA
LOCAL LAW # ____ OF 2020

ATTACHMENT "A"

SECTION ONE. The following new section shall be added to Town Code Article III as § 220-9.1:

§220-9.1. Short Term Rentals

(A) Definitions. For purposes of this section 220-9.1 the following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code the definitions set forth in this section 220-9.1(A) shall control for purposes of short term rentals.

- (1) Application** shall mean the application for a Short-Term Rental Permit.
- (2) Complete Application** shall mean an Application that has satisfied all of the submittal requirements set forth in this Short Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short Term Rental Permit.
- (3) Short Term Rental** shall mean the rental of a Dwelling Unit for less than thirty (30) days to a person.
- (4) Owner** shall mean the record titled owner of the residence for which a Short-Term Rental Permit is sought or has been issued. The Owner may be a person or any form of business entity recognized by the State of New York. If the Owner is a form of business entity, the business entity shall maintain current registration with the New York State.
- (5) Property or Short-Term Rental Property** shall mean all such residences or dwelling units used for Short-Term Rental purposes.
- (6) Property Management Company** shall mean the Owner's agent, including but not limited to rental platform, for renting the Property, if any.
- (7) Sleeping Area** shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon or any area advertised for sleeping. To be a valid sleeping area the sleeping area shall have appropriate requirements as defined by NYS building code.

(8) Temporary Access Easement shall mean an easement granted to the Owner to cross over the property of another when such access is necessary to provide entry to the Property being rented.

(9) Town shall mean Town of Canandaigua, New York.

(10) Use With Criteria shall mean the land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Short-Term Rental Ordinance, the terms and conditions in the Short-Term Rental Ordinance shall control.

(B) Permit. To operate as a Short-Term Rental, the Property Owner or Owner's Agent shall file an Application with the Town of Canandaigua and be granted a permit to operate a Short-Term Rental.

(C) Requirements for Application. Short-term rentals may be allowed in all zones unless otherwise restricted. The following information and documentation shall accompany the application and be provided to the Town of Canandaigua:

(1) Completed Application.

(2) Street address for each unit.

(3) The name, address, and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number who may be the Owner or Owner's Agent, and who may be contacted in the event of an emergency.

(4) A signed acknowledgement on the application, that the Owner, Property Management Company, and/or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a Short-Term Rental. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Short-Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

(D) Effective Date of Permit. The Permit shall be issued by the Zoning Inspector or Code Enforcement Officer upon receipt of a completed application as defined in §220-9.1 C. Requirements for Application.

(E) Fees. The application fee and annual renewal fee shall be set by resolution of the Town Board. The fee associated with new applications will be prorated by month based on the current fee set by the Town Board.

(F) Term of Permit. The Permit shall be valid for up to one year and may be renewed annually by January 1st of each year. The Permit may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application.

(1) If the permit is not renewed by January 1st, it is considered to be suspended until such time the renewal process is complete.

(2) The Owner shall amend the Application at any time there is a change in circumstances that would require an update to the information submitted by the Owner or Property Manager.

(G) Operating a Short-Term Rental without a Permit. Any Person violating the provisions of this Chapter by conducting Short Term Rental(s) without a valid permit shall be in violation of Town Code § 220.

(H) Discovery of an Immediate Health Hazard. Upon the discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the Short-Term Rental permit until the hazard is remedied.

SECTION TWO. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION THREE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.