

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. 5 of the year 2020

A local law To Add Requirements to Town Code Related to Short-Term Rentals (Chapter 220, Zoning)
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

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

of Canandaigua as follows:

See "Attachment A:

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

TOWN OF CANANDAIGUA
LOCAL LAW # 5 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 pro-rated 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 1, 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.

(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. 5 of 2020 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on 12/21 2020, 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 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.)

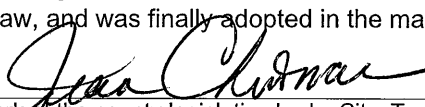
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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:

12/28/2020

(Seal)