

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.

DRAFT

County City Town Village
(Select one:)

of Canandaigua

Local Law No. _____ of the year 20²⁴

A local law to amend town code chapter 220-9.1 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 Canandaigua as follows:

See Attachment A

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

§ 220-9.1 Short-term rentals.

- A. Purpose. The purpose of this chapter is to regulate the use of property for short-term rentals within the Town. The provisions of this chapter are intended to mitigate any potential adverse effects and impacts of short-term rentals and to ensure such rentals do not create public safety hazards nor become disruptive to the quality of life for surrounding residents or the character of neighborhood where the property is located.
- B. Definitions. For purposes of this § 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 § 220-9.1B shall control for purposes of short-term rentals.

ADJACENT PROPERTIES

- (1) Properties, parcels, lots or units situated near or next to, adjoining, contiguous or abutting the subject property, whether on the same side of the road, across the road or behind the subject property; and
- (2) When the subject property is a building consisting of multiple dwelling unit, such as an apartment building, that is a portion of a building containing multiple units on multiple floors with multiple units on each floor, this shall mean all units on the same floor as the subject property and also those units adjoining directly above or below the subject property.

APPLICATION

The application for a short-term rental permit.

BEDROOM

To be a valid bedroom, the bedroom shall have appropriate requirements as defined by New York State Property Maintenance Code (NYS PMC404).

COMPLETE APPLICATION

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.

FLOOR PLAN

A level-by-level sketch of the structure with labeling of all enclosed spaces within the structure and dimensions of each bedroom.

LOCAL CONTACT

The owner or the owner's representative who is the local point of contact for any guest(s) for the duration of the guest(s) stay in the Short-Term Rental.

MAXIMUM OCCUPANCY

The maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom. Number of bedrooms must match what is shown on the applicant's floor plan and must be in compliance with information in the Real Property System database.

OWNER

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 New York State.

PERMIT HOLDER

The owner to whom a short-term rental special use permit has been issued through the Zoning Officer by the Planning Board. The Planning Board reserves the right to revoke the special use permit at any time for any reason including §220.9(I).

PROPERTY MANAGEMENT COMPANY

The owner's agent, including but not limited to rental platform, for renting the property, if any.

PROPERTY or SHORT-TERM RENTAL PROPERTY

All such parcels, residences or dwelling units used for short-term rental purposes. Recreational vehicles, travel trailers, sheds, garages, vehicles, tents, yurts and similar non-permanent structures are prohibited from use as a Short-Term Rental.

SHORT-TERM RENTAL

The rental of a dwelling unit for less than 30 days to a person.

TEMPORARY ACCESS EASEMENT

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.

TOWN

Town of Canandaigua, New York.

USE WITH CRITERIA

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.

- C. 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 special use permit to operate a short-term rental. The Town Board authorizes the Planning Board to grant a special use permit, in all zoning districts, for the operation of a short-term rental special use without the need for a public hearing. The Planning Board may authorize through its rules of procedure a special use permit to be issued by the Zoning Officer when the applicant demonstrates compliance with the requirements for application, §220.9-1 (C), with the following exceptions:
- (1) Special use permit applications to operate a short-term rental in any dwelling unit with six (6) or more bedrooms shall be reviewed and approved by the Planning Board in accordance with §220-35 and the Planning Board Rules of Procedure prior to the issuance of said permit.
- D. 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 twenty-four-hour local 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 twenty-four-hour contact phone number for the property owner or owner's agent, and who may be contacted in the event of an emergency.
- (4) Floor plans for the dwelling with labels for all rooms including bedrooms. Details shown shall be in compliance with the Real Property Systems database.
- (5) Site plan/map of the property showing location of parking.
- (6) Permit applicant shall provide proof of septic system design capacity and provide a copy of the most recent inspection in accordance with Town Code chapter 202 Wastewater Treatment Systems, On-site, if applicable.
- (7) Evidence of Property Insurance and a Certificate of Liability Insurance indicating the premises is rated as a Short-Term Rental and acknowledgement that property owner will maintain such insurance throughout the Term of the Short-Term Rental permit.
- (8) 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.
- (9) A signed acknowledgement by the applicant that the premises is in compliance relating to the following information:
 - (A) Smoke alarms shall be installed and maintained in accordance with the New York State Property Maintenance code and New York State Fire Code, as listed below.
 - a. On the ceiling or wall outside and in the immediate vicinity of bedrooms
 - b. In each bedroom.
 - c. In each story within a dwelling unit, including basements (excluding crawl spaces) and uninhabitable attics.
 - d. Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms shall be replaced when they fail to respond to operability tests, or when they exceed 10 years from the date of manufacture, unless an earlier replacement is specified in the manufacturer's published instructions.
 - (B) Carbon monoxide detectors shall be installed and maintained as required by The Uniform Fire Prevention and Building Code of New York State.

- a. Carbon monoxide detection shall be installed outside of sleeping areas within 10 feet of the entrance to bedrooms in dwelling units that contain a fuel-burning appliance.
- (C) Emergency Evacuation Procedures and means of egress must be posted in each bedroom to be followed in the event of a fire or smoke condition or upon the activation of a fire or smoke-detecting or other alarm device.
- (D) Operable fire extinguishers including at least one fire extinguisher on each floor with one additional in the kitchen. Fire extinguishers shall be readily accessible and visible at all times.
- (E) The house number shall be visible from the street or road fronting the property.
- (F) Egress doors shall be operational and readily openable without the need for keys, special knowledge or effort except as allowed by NYS CODE.
- (G) A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the exterior.
- (H) The property containing the proposed short-term rental must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan included with the application. The parking spaces must be located on durable surfaces, such as driveways, and cannot be on grassed or landscaped areas.
- (I) The owner must conspicuously post the following signage in a protected mounting in the public corridor, hallway, or lobby of the dwelling for which the permit was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.
 - a. the maximum occupancy authorized by the Zoning Officer at time of permit. Notice the maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the applicant's floor plan.
 - b. The posted sign shall state "no events are permitted on the premises resulting in the number of persons on the property greater than the maximum allowable occupancy of the short-term rental unit at any time during the short-term rental."
 - c. A sign in the short-term rental unit providing notice to any tenant the short-term rental is in a residential area in the Town of Canandaigua and that renters should be conscious of the residents in the neighborhood, all renters are subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct, littering is illegal, and all fires must be attended complying with any applicable burn bans or New York State regulations.
 - d. Address of the unit
 - e. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke detecting or other alarm device.
 - f. Contact numbers for emergency services, Town of Canandaigua and a local contact.
- (J) All applicants and permit holders must provide Evidence of Property Insurance and a Certificate of Liability Insurance indicating the premises is rated as a Short-Term Rental and maintain such insurance throughout the Term of the Short-Term Rental permit.

- (K) The property shall comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances at all times.
- (L) No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.
- (M) Permanent Exterior signs identifying the property as a Short-Term Rental are prohibited unless permitted separately.
- E. 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 § **220-9.1D**, Requirements for application.
- F. Fees. The application fee shall be set by resolution of the Town Board.
- G. Term of permit. The permit shall be valid for up to three year(s).
 - (1) If the permit is not renewed before the expiration date of such permit, 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.
- H. Transferability. Special use permits issued for a short-term rental property are not transferable.
- I. 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.
- J. Discovery of an immediate health or life safety hazard. Upon the discovery of an immediate health or life safety hazard , the Code Enforcement Officer can suspend the short-term rental permit until the hazard is remedied.
- K. Grounds for Suspension or Revocation of Permit. Upon evidence of violation(s) of short-term rental usage with this section the Zoning Officer shall notify in writing the Planning Board. After holding a public hearing and providing notice of such hearing to the subject property's owner, the Planning Board may suspend or revoke a short-term rental special use permit. Suspended short-term rental special use permits shall be suspended for a period as deemed reasonable by the Planning Board. Revoked short-term rental special use permits shall be revoked and ineligible for approval for a period of not less than one year from the date of revocation. The Planning Board may suspend a short-term rental special use permit based on any of the following grounds:
 - (1) Permit Holder has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of the property, or registration of property owner.
 - (2) Permit Holder violated any provision of this section during the term of the short-term rental permit.
 - (3) Permit Holder or any tenant violated any provisions of the Code of the Town of Canandaigua.
 - (4) Permit Holder or any tenant violated any provision of the Penal Code of the State of New York, which violation occurred on, or pursuant to the occupancy of the short-term rental unit.
 - (5) Any conduct on the premises, which is unreasonable under the circumstances, and which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

- (6) Any conduct on the premises, which otherwise is not a permitted use in the zoning district.
- (7) Any conduct on the premises, involving parties or events or loud noises or when such activities result in two or more complaints from adjacent property owners relating to such activities.
- (8) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- (9) Permit Holder has failed to provide accommodations and access to the subject property for inspection, as may be required, by the Zoning Officer or Code Enforcement Officer of the Town.
- (10) Permit Holder or any tenants have exceeded the maximum occupancy limit of two (2) people per bedroom shown on the floor plan included with the application.
- (11) Permit Holder has allowed for occupancy greater than the capabilities of the on-site wastewater system, if applicable.
- (12) Permit Holder has not provided proof of pumping and satisfactory inspection of the on-site wastewater system, if applicable, by a qualified septic disposal firm within sixty days of request by Code Enforcement; or has violated Town of Canandaigua Code §202 Wastewater Treatment Systems, On-Site.

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

DRAFT

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20²⁴ 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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) (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) (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)*

* 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: _____

§ 220-9.1 Short-term rentals.

A. Purpose. The purpose of this chapter is to regulate the use of property for short-term rentals within the Town. The provisions of this chapter are intended to mitigate any potential adverse effects and impacts of short-term rentals and to ensure such rentals do not create public safety hazards nor become disruptive to the quality of life for surrounding residents or the character of neighborhood where the property is located.

B. Definitions. For purposes of this § 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 § 220-9.1A shall control for purposes of short-term rentals.

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ADJACENT PROPERTIES

- (1) Properties, parcels, lots or units situated near or next to, adjoining, contiguous or abutting the subject property, whether on the same side of the road, across the road or behind the subject property; and
- (2) When the subject property is a building consisting of multiple dwelling unit, such as an apartment building, that is a portion of a building containing multiple units on multiple floors with multiple units on each floor, this shall mean all units on the same floor as the subject property and also those units adjoining directly above or below the subject property.

APPLICATION

The application for a short-term rental permit.

BEDROOM

See "Sleeping Area" and T- to be a valid bedroom, the bedroom shall have appropriate requirements as defined by ~~NYS building code~~ [New York State Property Maintenance Code \(NYS PMC404\)](#).

COMPLETE APPLICATION

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.

FLOOR PLAN

A level-by-level sketch plan of the property structure with labeling of all enclosed spaces within the structure and dimensions of each sleeping area bedroom.

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LOCAL CONTACT

The owner or the owner's representative who is the local point of contact for any guest(s) for the duration of the guest(s) stay in the Short-Term Rental.

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MAXIMUM OCCUPANCY

a. The maximum occupancy for each short-term rental unit shall not exceed two (2)

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people per bedroom. Number of bedrooms must match what is shown on the applicant's floor plan and must be in compliance with information in the Real Property System database.

OWNER

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 New York State.

PERMIT HOLDER

The owner to whom a short-term rental special use permit has been issued through the Zoning Officer by the Planning Board. The Planning Board reserves the right to revoke the special use permit at any time for any reason including §220.9(I).

PROPERTY MANAGEMENT COMPANY

The owner's agent, including but not limited to rental platform, for renting the property, if any.

PROPERTY or SHORT-TERM RENTAL PROPERTY

All such parcels, residences or dwelling units used for short-term rental purposes. Mobile homes, Recreational vehicles, ~~Vs, travel trailers, yards, sheds, garages, vehicles, tents, yurts and similar non-permanent structures~~ are prohibited from use as a Short-Term Rental.

SHORT-TERM RENTAL

The rental of a dwelling unit for less than 30 days to a person.

~~SLEEPING AREA~~

~~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.~~

Commented [SR1]: For Ordinance Committee: Sleeping area should be removed. NYS code doesn't define it and it causes confusion for applicants when applying and for staff when reviewing. Permits are reviewed based on number of bedrooms and sleeping areas are NOT bedrooms.

TEMPORARY ACCESS EASEMENT

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.

Commented [MM2]: Sleeping area is not a truly well defined term in NYS Code.

TOWN

Town of Canandaigua, New York.

USE WITH CRITERIA

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.

CB. 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 special use permit to operate a short-

term rental. The Town Board authorizes the Planning Board to grant a special use permit, in all zoning districts, for the operation of a short-term rental special use without the need for a public hearing. The Planning Board may authorize through its rules of procedure a special use permit to be issued by the Zoning Officer when the applicant demonstrates compliance with the requirements for application, §220.9-1 (C), with the following exceptions:-

(1) Special use permit applications to operate a short-term rental in any dwelling unit with six (6) or more bedrooms shall be reviewed and approved by the Planning Board in accordance with §220-35 and the Planning Board Rules of Procedure prior to the issuance of said permit.

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(2) 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 twenty-four-hour local 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 twenty-four-hour contact phone number for the property owner or who may be the owner or owner's agent, and who may be contacted in the event of an emergency.

(4) Floor plans for the dwelling with labels for all rooms including bedrooms. Details shown shall be in compliance with the Real Property Systems database.

(5) Site plan/map of the property showing location of parking.

(6) Permit applicant shall provide proof of septic system design capacity and provide a copy of the most recent inspection in accordance with town code chapter 202 Wastewater Treatment Systems, On-site, if applicable.

Commented [SR3]: Not sure we want to be reviewing septic designs. Can we instead request a copy of a recent (within the last 3 or 5 years) septic inspection?

(7) Evidence of Property Insurance and a Certificate of Liability Insurance indicating the premises is rated as a Short-Term Rental and acknowledgement that property owner will maintain such insurance throughout the Term of the Short-Term Rental permit.

Commented [MM4R3]: Only problem with that is the OTN do not require the inspector to verify the number of bedrooms.

(8) 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.

(9) A signed acknowledgement by the applicant that the premises has the following information posted or is in compliance at the property relating to the following information:

(A) Smoke alarms shall be installed and maintained in accordance with the New York State Property Maintenance code and New York State Fire Code, as listed below.

- a. On the ceiling or wall outside and in the immediate vicinity of bedrooms
- b. In each bedroom.
- c. In each story within a dwelling unit, including basements (excluding crawl spaces) and uninhabitable attics.
- d. Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms shall be replaced when they fail to respond to operability tests, or when they exceed 10 years from the date of manufacture, unless an earlier replacement is specified in the manufacturer's published instructions.

(B) Carbon monoxide detectors shall be installed and maintained as required by The Uniform Fire Prevention and Building Code of New York State.

- a. Carbon monoxide detection shall be installed outside of sleeping areas and within 10 feet of the entrance to bedrooms in dwelling units that contain a fuel-burning appliance.

~~(A) Smoke Detectors including not less than one working smoke detector in each sleeping area. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms and one additional smoke detector on each floor. Smoke Detectors. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code. Smoke detectors and Carbon monoxide detectors shall be maintained in accordance with the New York State Uniform Fire Prevention and Building Code.~~

~~(C)~~ (C) Emergency Evacuation Procedures and means of egress must be posted in each sleeping area bedroom to be followed in the event of a fire or smoke condition or upon the activation of a fire or smoke-detecting or other alarm device.

~~(D)~~ (D) Operable fire extinguishers including at least one operable fire extinguisher on each floor with and one additional in the kitchen. Fire extinguishers shall be readily accessible and visible at all times.

~~(E)~~ (E) The house number shall be visible from the street or road fronting the property. located both at the end of the driveway and in the dwelling unit in a visible location where tenants will notice the address.

~~(F)~~ (F) Exterior Egress doors shall be operational and readily openable without the need for keys, special knowledge or effort except as allowed by NYS CODE. and all passageway to exterior doors shall be clear and unobstructed.

~~(G)~~ (G) A safe, continuous, and unobstructed path of travel shall be provided from any

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point in a building or structure to the exterior.

(H) The property containing the proposed short-term rental must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan included with the application. The parking spaces must be located on durable surfaces, like such as -driveways, and cannot be on grassed or landscaped areas.

~~(F)~~(I) The owner must conspicuously post the following signage in a protected mounting in the public corridor, hallway, or lobby of the dwelling for which the permit was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.

a. A sign indicating ~~T~~the maximum occupancy authorized by the Zoning Officer at time of permit. Notice the maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the applicant’s floor plan.

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~~a-b.~~ The posted sign shall state “no events are permitted on the premises resulting in the number of persons on the property greater than the maximum allowable occupancy of the short-term rental unit at any time during the short-term rental.”

c. A sign in the short-term rental unit providing notice to any tenant the short-term rental is in a residential area in the Town of Canandaigua and that renters should be conscious of the residents in the neighborhood, all renters are subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct, littering is illegal, and all fires must be attended complying with any applicable burn bans or New York State regulations.

d. Address of the unit

e. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke detecting or other alarm device.

~~b-f.~~ Contact numbers for emergency services, Town of Canandaigua Development Office and a local contact.

~~(G)~~(J) All applicants and permit holders must provide ~~E~~evidence of Property Insurance²² and a ~~C~~ertificate of Liability Insurance²² indicating the premises is rated as a Short-Term Rental and maintain such insurance throughout the Term of the Short-Term Rental permit.

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Commented [SR5]: According to our own insurance company (Chris Hubler) this is not always required. He has been reviewing policies that we receive from applicants and stating whether they have the necessary coverage. The certificate is above and beyond, according to Chris. I would rather this be more loosely defined. Perhaps we require that they provide proof of property insurance that demonstrates coverage as a rental property. Or something similar.

~~(K) Property must comply with recent edition of the NYS Property Maintenance Code. The property shall comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances at all times.~~

~~(L) No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.~~

~~(H)~~(M) Permanent Exterior signs identifying the property as a Short-Term Rental are prohibited unless permitted separately.

~~D~~E. 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~~D~~~~E~~, Requirements for application.

~~F~~F. Fees. The application fee shall be set by resolution of the Town Board.

~~F~~G. Term of permit. The permit shall be valid for up to three year(s).

- (1) If the permit is not renewed before the expiration date of such permit, 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~~H. ~~Transferability. Special use permits issued for a short-term rental property are not transferable.~~

~~(H)~~ I. 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~~J. Discovery of an immediate health or life safety hazard. Upon the discovery of an immediate health or life safety hazard ~~to renters~~, the Code Enforcement Officer can suspend the short-term rental permit until the hazard is remedied.

~~K~~K. Grounds for Suspension or Revocation of Permit. Upon evidence of violation(s) of short-term rental usage with this section the Zoning Officer shall notify in writing the Planning Board. After holding a public hearing and providing notice of such hearing to the subject property's owner, the Planning Board may suspend or revoke a short-term rental special use permit. Suspended short-term rental special use permits shall be suspended for a period as deemed reasonable by the Planning Board. Revoked short-term rental special use permits shall be revoked and ineligible for approval for a period of not less than one year from the date of revocation. The Planning Board may suspend a short-term rental special use permit based on any of the following grounds:

- (1) Permit Holder has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of the property, or registration of property owner.
- (2) Permit Holder violated any provision of this section during the term of the short-term rental permit.
- (3) Permit Holder or any tenant violated any provisions of the Code of the Town of Canandaigua.
- (4) Permit Holder or any tenant violated any provision of the Penal Code of the State of New York, which violation occurred on, or pursuant to the occupancy of the short-term rental unit.
- (5) Any conduct on the premises, which is unreasonable under the circumstances, and which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

Commented [SR6]: The ordinance committee does not support the permits being transferred when a property is sold. They prefer that a new owner be required to obtain a new permit. This was unanimous.

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- (6) Any conduct on the premises, which otherwise is not a permitted use in the zoning district.
- (7) Any conduct on the premises, involving parties or events or loud noises or when such activities result in two or more complaints from adjacent property owners relating to such activities.
- (8) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- (9) Permit Holder has failed to provide accommodations and access to the subject property for inspection, as may be required, by the Zoning Officer or Code Enforcement Officer of the Town.
- (10) Permit Holder or any tenants have exceeded the maximum occupancy limit of two (2) people per bedroom shown on the floor plan included with the application.
- (11) Permit Holder has allowed for occupancy greater than the capabilities of the on-site wastewater system, if applicable.
- (12) Permit Holder has not provided proof of pumping and satisfactory inspection of the on-site wastewater system, if applicable, by a qualified septic disposal firm within sixty days of request by Code Enforcement; or has violated Town of Canandaigua Code §202 Wastewater Treatment Systems, On-Site.