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KATHY HOCHUL
GOVERNOR
WALTER T. MOSLEY
SECRETARY OF STATE

June 13, 2024

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

RE: Town of Canandaigua, Local Law 5 2024, filed on 6/11/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

CANANDAIGUA TOWN CLERK

JUN 27 2024

RECEIVED



**Department
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. 5 of the year 2024

A local law to create town code Chapter 201 Short Term Rentals to replace existing town code

(Insert Title)

Chapter 220-9.1 Short Term Rental

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

County City Town Village
(Select one:)

of Canandaigua

as follows:

See Attached

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

TOWN OF CANANDAIGUA

LOCAL LAW # 5 OF 2024

EXHIBIT A

SECTION ONE. Town Code § 220-9.1 Short Term Rentals, shall be removed in its entirety.

SECTION TWO. The following shall be added as a new Chapter 201 to Town Code:

TOWN CODE CHAPTER 201

SHORT TERM RENTALS

201-1. Purpose.

The purpose of this Chapter is to regulate the use of property in the Town of Canandaigua for short term rentals. The provisions of this Chapter are intended to mitigate potential adverse effects and impacts caused by short-term rentals and to ensure that such short-term rentals do not cause safety hazards nor become disruptive to the quality of life for surrounding residents and to preserve the health, safety, and welfare of the community.

201-2. Applicability.

The provisions of this Chapter shall apply to the entirety of the Town of Canandaigua. Nothing herein shall replace or supersede any other law or regulation, including, but not limited to, Uniform Building Code and Uniform, health laws, or zoning regulations.

201-3. Permit Required.

Operation of a short-term rental ("STR") in the Town of Canandaigua shall require a Short-Term Rental Permit ("STR Permit") issued by the Zoning Inspector. Operation, for purposes of this chapter, shall mean the rental of a dwelling unit for less than 30 days, and shall include the marketing, listing for rent, or other means of offering and/or making available of, said dwelling unit.

201-4. Authority to Issue STR Permit.

- A. Any Zoning Inspector or Code Enforcement Officer of the Town of Canandaigua ("Zoning Inspector") is hereby authorized to issue, revoke, suspend, modify, or renew a STR Permit, and to otherwise carry out the provisions of this Chapter, including but not limited to enforcement and investigation of complaints.

- B. In no event shall a STR Permit be issued for a STR with a maximum occupancy greater than 18 overnight guests.

201-5. Application for STR Permit. In order to obtain a STR Permit an applicant must submit the following to the Zoning Inspector in a manner specified by, and acceptable to, the Zoning Inspector:

- A. Completed Application Form, including
 1. Name and contact information of property owner
 2. Name and contact information of property manager, if any
 3. Name and contact information for a 24-hour local contact.
- B. Floor plans showing entire premises, including dimensions, and identifying all bathrooms, bedrooms, and other areas, shown in compliance with the Real Property Systems database used by the Town.
- C. Sketch plan or map showing entire property, including parking, septic system, and any other relevant information.
- D. Proof of septic system capacity and a copy of most recent inspection in accordance with Town Code Chapter 202, if applicable.
- E. Evidence of property and liability insurance indicating that the property is insured and rated as a short-term rental, acceptable to the Zoning Inspector, and a signed acknowledgement that the property will remain insured as a short-term rental throughout the term of the STR Permit and any subsequent renewals thereof.
- F. Signed acknowledgement that the property owner, property manager, and any agent thereof, has read the Town's short-term rental regulations and will comply with same.
- G. Proof of compliance with all operating requirements.
- H. Consent for Access. Owner shall sign a consent for Zoning Inspector to access any or all portions of the property for purposes of inspection to ensure compliance with the provisions of this Chapter.

201-7. Operating Requirements.

Any short-term rental in the Town of Canandaigua shall comply with the following:

- A.** Smoke alarms shall be installed and maintained in accordance with the New York State Uniform Fire Prevention and Building Code, including but not limited to:
1. On ceiling or wall in the immediate vicinity of all bedrooms.
 2. In each bedroom.
 3. At least one shall be installed on each floor, including basements.
- B.** Carbon monoxide detectors shall be installed and maintained in accordance with New York State Uniform Fire Prevention and Building Code including but not limited to the immediate vicinity of all sleeping areas in dwelling units that contain a fuel burning device.
- C.** Emergency evacuation procedures and means of egress to be used in the event of fire or other emergency must be posted in each bedroom or sleeping area.
- D.** Operable fire extinguishers shall be available on each floor, with an additional in each kitchen. Fire extinguishers shall be operable, readily accessible, visible at all times, and maintained in accordance with New York State Uniform Code.
- E.** Maximum Occupancy. The Zoning Inspector shall establish the maximum overnight occupancy in accordance with Uniform Code.
- F.** Events.
1. No events shall be allowed at STRs. Events shall include, but are not limited to, planned occasions, parties, weddings, or other similar activities.
 2. Additional daytime guests above the overnight maximum occupancy limit are permitted provided that:
 - a. The total number of guests including overnight and daytime guests does not exceed twice the amount of the Maximum Occupancy established above,
 - b. The daytime guests do not remain overnight,
 - c. All guests comply with all provisions of this Chapter, and
 - d. The number of daytime guests may be limited by the Planning Board during review and approval of a special use permit required by this Chapter.
- G.** The house number shall be visible from the street or road frontage.

- H. Egress doors shall be operational, accessible, and readily operable without the need for keys, special knowledge, codes, or special effort except as allowed by Uniform Code.
- I. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the exterior.
- J. Parking. Each STR property shall provide a minimum of 1 off-road parking space for each bedroom. The parking spaces must be located on durable surfaces, such as driveways, and cannot be on grassed or landscaped areas. The Planning Board, in considering a special use permit required by this Chapter, may require more parking spaces to be provided if, in the Planning Board's discretion, it is determined that additional parking would be appropriate or otherwise ensure the health, welfare, and safety of the guests, neighborhood, or community.
- K. The property must conspicuously post the following signage in a protected mounting in a common entryway. If no common entryway exists the posting shall be made at the entrance of each dwelling unit:
 - 1. Maximum occupancy authorized by the Zoning Inspector or the total number of occupants allowed by the owner, if such number is less than the maximum occupancy authorized by the Zoning Inspector.
 - 2. A Statement that no events are permitted, and that anyone conducting an event on the property will be subject to fine(s).
 - 3. A notice that occupants are not permitted to disturb neighbors and that all renters are subject to this Chapter and NYS Penal Law 240.20 or any successor statute regarding disorderly conduct, littering is illegal, and all fires must be attended complying with applicable burn bans or NYS regulations.
 - 4. Address of the property.
 - 5. Evacuation procedures to be followed in the event of a fire or other emergency.
 - 6. Contact numbers for emergency services as provided by the Town of Canandaigua and property's 24-hour local contact.
- L. All STRs must be, and remain, fully insured as short-term rentals.
- M. STRs must have sufficient septic or sewer capacity to support the maximum occupancy as determined by the Zoning Inspector.

- N. The STR properties shall remain in full compliance with all applicable State and local fire, building, health, and safety laws, and all relevant local ordinances at all times.
- O. No cooking facilities are permitted in individual bedrooms or any other rooms where guests can sleep.
- P. Exterior signs identifying the property as a short-term rental are prohibited unless permitted separately.
- Q. STRs must pay all applicable sales tax as well as any occupancy or lodging taxes.
- R. No STR shall cause a disturbance or nuisance to neighbors, nearby properties, or the community if such disturbance or nuisance is greater than would be caused by a similar property not used for short-term rental.
- S. 24-Hour Local Contact
 - 1. An owner of a short-term rental must have a local residence or office and be available 24 hours per day, every day during which the STR is rented. In the event that the owner does not have a local residence or office and/or is not available 24 hours per day, every day, that owner must have a property manager as hereinafter specified.
 - 2. A property manager must have a local office and/or residence. The property manager must be available 24 hours a day, and be able to arrive on site within two (2) hours after being instructed to do so by the Zoning Inspector or other Town Official.
 - 3. The property manager must be authorized by the property owner to act as the agent for the owner for the receipt of service of notice of violation of the provisions of this section and must be authorized by the owner to permit Town officials and their designees to enter the STR for purposes of inspection and enforcement of this section and/or the state codes or regulations. The property manager must also have authority to take such action as is required to comply with the provisions hereof and those of the permit issued for the STR for which such property manager is responsible.

201-8. Miscellaneous.

- A. Fees. Town Board shall establish by resolution or fee schedule the amount to be charged for a STR Permit and for subsequent renewals thereof.
- B. Term. STR Permits shall be valid for one year from the date of issuance, unless otherwise suspended or revoked.

- C. **Renewal.** STR Permits may be renewed by the Zoning Inspector upon submission of an acceptable renewal application and payment of the fee set forth above prior to expiration of existing STR permit.
- D. **Transferability.** STR Permits are not transferable.
- E. **Special Use Permit Required for STR With Max Occupancy Over 12.** STRs with a Maximum Occupancy over 12 must obtain a Special Use Permit from the Town Planning Board in accordance with Town Code 220-34 and 220-35 prior to the issuance of a STR Permit

201-9. Enforcement.

- A. The Zoning Inspector shall investigate all reasonable complaints of lack of compliance with this Chapter.
- B. The Zoning Inspector is authorized to issue a notice of violation and/or order to remedy in the event of lack of compliance with this Chapter.
- C. The Zoning Inspector is authorized to suspend a STR Permit if lack of compliance with this Chapter is repeated or habitual, ongoing, or poses a risk to the health, safety, or general welfare of the community.
- D. The Code Enforcement Officer may commence proceedings in any court of competent jurisdiction to enforce the provisions of this Chapter, and is authorized to issue appearance tickets pursuant to New York State Criminal Procedure Law 150.20.
- E. The Town Board is authorized to revoke a STR Permit for up to three (3) years. Prior to such revocation: (a) the Town Clerk shall send notice of the potential revocation and a public hearing to be held thereon to the STR owner by certified mail and 1st class mail, (b) the Town Board shall hold a public hearing, and (c) the Zoning Inspector shall provide a written statement of reasons for which the STR Permit should be revoked. This statement shall be sent to the STR owner with the Town Clerk's notice along with instruction on how the STR owner can respond to the allegations that could respond in revocation.

201-10. Penalties.

Any person who violates the terms of this Chapter shall be guilty of a misdemeanor. Violations of this Chapter shall be punishable by a minimum fine of \$500 and a maximum fine of \$1000 per day. Fines issued shall be a lien against the property.

201-11. Existing STR Permits to Remain Valid.

- A. An STR Permit duly issued by the Town prior to the effective date of the local law by which this Chapter is adopted shall remain valid until its expiration, and shall satisfy the requirements of this Chapter until such expiration at which time a New STR Permit shall be obtained in accordance with this Chapter.
- B. An STR Permit duly issued by the Town prior to the effective date of the local law by which this Chapter is adopted may be amended one (1) time prior to its expiration. In such event the STR Permit fee shall be waived.

SECTION 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 FOUR. 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 2024 of the ~~(County)(City)(Town)(Village)~~ of Canandaigua was duly passed by the Town Board on May 20, 2024, 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 _____ 2024, 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.)

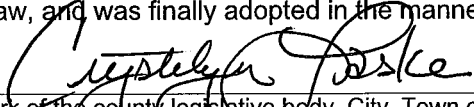
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: 6-5-2024

(Seal)