

§ 220-9.1 **Short-term rentals.**

~~{Added 12-21-2020 by L.L. No. 5-2020}~~

- A. 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.

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.

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.

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 residences or dwelling units used for short-term rental purposes.

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.

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.

- 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 **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).**
- 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 twenty-four-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 twenty-four-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.
- (5) A signed acknowledgement by the applicant the premises has the following information posted or is in compliance at the property relating to the following information:
- (A) Smoke and Carbon Monoxide Detectors including not less than one working smoke and carbon monoxide detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
- (B) Emergency Evacuation Procedures must be posted in each sleeping room 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.
- (C) Fire Extinguishers including at least one fire extinguisher on each floor and in the kitchen.
- (D) The house number shall be located both at the end of the driveway and in the dwelling unit in a visible location where tenants will notice the address.

(E) Exterior doors shall be operational and all passageway to exterior doors shall be clear and unobstructed.

(F) 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.

(G) Notice the maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the floor plan and the maximum occupancy of any dwelling unit used as short-term rental shall not exceed twelve (12) people total.

(H) 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.**

(I) 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.

(J) Property must comply and meet all current NYS Uniform Building Codes.

- 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 § 220-9.1C, 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-three~~ year(s). ~~and may be renewed annually by January 1 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 ~~before the expiration date of such permit 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 and shall be deemed ineligible from receipt of a short-term rental permit for a period of not less than one year from the date of violation notice. Any short-term rental permit revoked by the Planning Board shall be ineligible for approval for a period of not less than one year from the date of revocation.
- 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.
- I. 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 permit, for a time period as deemed reasonable by the Planning Board, on any of the following grounds:
- (1) Permit Holder Applicant 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 Applicant violated any provision of this section during the term of the short-term rental permit.
- (3) Permit Holder Applicant or any tenant violated any provisions of the Code of the Town of Canandaigua.
- (4) Permit Holder Applicant 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 Applicant 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 Applicant or any tenants have exceeded the maximum occupancy limit of two (2) people per bedroom shown on the floor plan included with the application or have exceeded the maximum occupancy limit of twelve (12) people per short term rental unit.
- (11) Permit Holder has allowed for occupancy greater than the capabilities of the septic system, if applicable.
- (12) Permit Holder has not provided proof of pumping and satisfactory inspection of the septic 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.