

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 of Canaan
Town
Village

Local Law No. 4 of the year 2024

A local law entitled ~~SHORT-TERM RENTAL LAW.~~

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

County
City of Canaan as follows:
Town
Village

SECTION 1. PURPOSE AND INTENT

The Town Board finds that it is in the interest of public health, safety, and welfare to regulate through a permitting process the use of short-term rental lodging facilities occurring within the Town of Canaan. The ability to operate a Short-Term Rental (STR) in the Town of Canaan is a privilege, not a right. In an effort to balance multiple ideas - the ability for law abiding property owners to make a return on a home, to help balance the playing field for affordable housing, and an opportunity for the Town and surrounding areas to have the benefits of visitors - The Town of Canaan may issue, limit, discontinue, suspend and or revoke STR permits.

SECTION 2. AUTHORIZATION

This local law is adopted pursuant to Town Law §136 and Municipal Home Rule Law §10.

SECTION 3. ENACTMENT

Be it therefore enacted by the Town Board of the Town of Canaan as follows:

I. Definitions:

Bed and Breakfast: An owner-occupied residential building also used for renting accommodations to transient, fee-paying guests, and providing not more than one meal daily to guests only. Not more than 10 rooms may be let.

Farm Operation: The definitions set forth at NYS Agriculture and Markets Law §301 are hereby adopted and shall be utilized herein.

Good Neighbor Statement: A Good Neighbor Statement is a leaflet created by the property owner that shall contain pertinent information that will help STR Visitors understand the house and property they are renting, the neighborhood they are in and relevant sections of the Canaan Town Code. Such a leaflet should include such things as the boundaries of the property, and reference to the Town Code on subjects such as noise, trash and parking. A template can be obtained at the Building Department.

Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Lodging Facility: Any Hotel, Motel, Inn, Bed and Breakfast, dwelling, dwelling unit or other establishment providing sleeping accommodations to visitors for compensation.

Motel: A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "Motel" includes, but is not limited to, every type of similar establishment known variously as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins" or "roadside hotel."

Inn: A building or portion thereof kept, used, maintained, advertised or held out to the public, containing sleeping accommodations for guests, and providing meals and other incidental services to guests and the public.

Short-Term Rental (STR): The rental of a dwelling, dwelling unit or other establishment to a Visitor for less than thirty days by the owner, the owner's agent or a hosting platform. This definition specifically excludes Hotels, Motels, Bed and Breakfasts and Inns. Seasonal rentals are also excluded. RVs and motor homes are not included in the definition of a dwelling or dwelling unit.

Short-Term Rental Local Contact Person: A designated local resident who is the secondary contact person in the event of issues or complaints regarding the rental property when the property owners are unavailable. This person must live within twenty (20) miles of the Rental he/she represents.

Guest: A person visiting or residing in the Town of Canaan for less than thirty days.

II. Short-Term Rental Regulations:

A. No real property within the Town of Canaan shall be used or rented as a Short-Term Rental without an annual Permit issued by the Town of Canaan Code Enforcement Officer. Such Permit shall include, but is not limited to, the property owner's name, address, phone numbers, email address and the short-term rental Local Contact Person's name, address, phone numbers, email address, supporting documentation such as a statements or sketches of floor plan(s) and parking plan, as well as the following:

1. An annual permit fee that shall be set by the Town Board and updated from time to time.
2. Properties must have an initial inspection by the Town of Canaan Code Enforcement Officer, but a conditional registration until the inspection takes place will be provided. The property may not be utilized as a STR until the inspection is completed.
3. All Short-Term Rental units shall be subject to random inspection by the Town of Canaan Code Enforcement Officer to confirm ongoing compliance with this local law.

4. A statement or depiction of how many guest bedrooms there are on each floor. Written proof that the septic system is adequate for the total number of bedrooms on site.

5. A sketch of the allowed parking on the premises. All parking for STRs must occur on the parcel. No parking on roads by guests, renters or visitors is allowed.

6. All applicants 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. Minimum general liability coverage for any short-term rental property shall be \$1,000,000.

a. In addition, the following regulations apply to all Short-Term Rental properties:

1. Short-Term Rentals located outside of RA-1 and RA-2 zones shall have a base occupancy of 12 guests and a maximum of 6 bedrooms with 2 guests per bedroom. Short Term Rentals located within RA-1 and RA-2 zones are limited to a maximum of 3 bedrooms with 2 guests per bedroom for a total of 6 guests.

a. Any advertisements for the STR shall include the maximum number of guests allowed in the rental.

2. Permits issued for Short-Term Rentals shall be non-transferable and shall immediately expire upon any change of ownership of the premises.

3. Short Term Rentals shall be allowed in all Zoning Districts of the Town as defined in the Town of Canaan Zoning Law subject to the provisions of this local law.

4. Every owner of a Short-Term Rental shall register for a permit within 120 days of the passage of this Short -Term Rental law and thereafter, renew it yearly.

5. Short -Term Rentals permits shall be limited to one (1) STR unit per property/property owner unless they are part of farm operation such as a Farm Stay program.

7. The Short-Term Rental Permit shall be renewed on an annual basis, at the time of renewal the property owner shall certify in a signed affidavit that all of the requirements of the original permit are being met and that the unit remains in compliance with all of the requirements of this local law.

8. A building or portion thereof that is not entitled to be operated as a short-term rental pursuant to this local law, but was entitled to operate as a short-term rental prior to the adoption of this local law, and was operated as a short-term rental prior to _____, 2024, may continue to so operate for a period of twenty (24) months from the date that this local law goes into effect, after which time such right shall terminate.

a. Upon application and after a public hearing, the Zoning Board of Appeals may grant the owner of a short-term rental subject to termination of operations under this Subsection 8 a variance to continue operations for up to two (2) years, provided that:

1. The applicant demonstrates through competent dollars-and-cents proof that prior to _____ 2024, they made substantial investments to improve the property unique to using it as a short-term rental; and

2. The applicant provides documentation of their total receipts from the short-term rental and expected revenue through the date of termination of the use; and

3. The applicant demonstrates that they cannot obtain a reasonable return on their investment if the property is used for any other purpose permitted within the zoning district and that the lack of a reasonable return is due solely to the prohibition of short-term rentals and not other market forces; and;

4. The Zoning Board of Appeals grants the minimum extension period necessary to mitigate the demonstrated loss of a reasonable return.

5. Any person aggrieved by a decision of the Zoning Board of Appeals under this subsection may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

9. Owners wishing to apply for a variance relating to the standards stated in these regulations may seek a variance from the Zoning Board of Appeals.

B. In the event of an occurrence which requires intervention by the Town Code Enforcement Officer or other official charged with enforcement of local laws within the Town, the owner of the Short-Term Rental shall receive the first contact, not the contact person. Any Short-Term Rental unit for which a complaint is received shall be subject to inspection by the Code Enforcement Officer. The owner is responsible for responding to any complaint or occurrence requiring action involving an STR in a timely manner. The owner is responsible for responding to the service of any legal process and all other notices. If the owner is not available or not able to take the required action in the appropriate time, the Local Contact Person will then be responsible to respond to the Code Enforcement Officer. The Owner may designate the local contact as the initial point of contact by written notification to the Town Code Enforcement Officer.

C. All Short-Term Rental Owners must maintain a Local Contact Person. The owner shall provide to the Town, at the time of Permit application and thereafter as necessary, current contact information for the Local Contact Person, including the name, address, phone number(s), and email address. It shall be the responsibility of the owner to ensure that the Town always has the most current contact information for the designated Local Contact Person.

D. The Local Contact Person shall be available for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Short- Term Rental when the owner cannot be reached. The Local Contact Person must respond promptly to any such complaint and must reside within twenty (20) miles of the Short- Term Rental.

E. Noise shall not exceed the limits prescribed in the Town Code.

F. Off-Street Parking shall be in accordance with the Town Code and as specifically delineated in the Permit application and Permit.

G. Garbage must be stored in secure containers until such a time as it may be removed.

H. All stairs must have handrails that meet the requirements of the NYS Building Code.

I. All Short-Term Rentals shall comply with the following fire and safety recommendations as applicable.

1. Smoke and carbon monoxide detectors must be installed and operational in accordance with the requirements of the NYS Building Code.

2. Installed fire extinguishers in accordance with the requirements of the NYS Building Code.

3. Short-Term Rentals must have a 911 emergency number clearly visible from the road.

4. Short-Term Rental owners shall provide emergency lights such as flashlights, an evacuation plan with marked exits and a list of emergency numbers.

J. A copy of the Permit with the owner's and Local Contact Person's contact information shall be displayed in all STR's.

K. A "Good Neighbor Statement" shall be provided to each guest. The STR owner, Local Contact Person or representative shall review this statement with guests to avoid trespassing on private property, opening agricultural gates, and possible violations of the Town Code such as noise, parking and littering.

L. Fines or Penalties

Permit violations, suspensions and revocations shall be imposed by the Town in accordance with those set forth in this law and/or applicable State or Federal laws.

1. Permit Violations: Failures such as not abiding by the Town Code, County, State or Federal laws, not providing current contact information for the owner and/or the Local Contact Person, providing inaccurate information on the permit application, failure of the owner or Local Contact Person to respond to outreach by Town Code Enforcement Officer or law enforcement officials in no greater than one hour, may result in a permit violation.

2. Permit Suspension: After two violations in a six-month period or three violation in a twelve-month period, the STR permit will be suspended for a year.

3. Permit Revocation: After two suspensions in the life of the permit, the STR permit will be permanently revoked.

SECTION 4. . REPEALER

Any prior local law currently in existence that is inconsistent with the terms of this local law is hereby repealed.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Section 23 of the Municipal Home Rule Law.

(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. 4 of 2024 of the Town of Canaan was duly passed by the Town Board on December, 2024, 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.~~
(Name of Legislative Body)
(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____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 (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.~~
(Name of Legislative Body)
(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 chairman 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.)

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 _____, _____, became operative.

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

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 1, above.

Josh Weisbuch, Town Clerk

(Seal)

Date: December ____, 2024

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Andrew B. Howard

Title: Counsel _____

County
City of _____ Canaan _____
Town
Village

Date: _____, 2024