

PROPOSED

Local Law No. 1-2022

BE IT ENACTED BY THE GREAT VALLEY TOWN BOARD AS FOLLOWS:

AMENDMENT TO THE TOWN OF GREAT VALLEY ZONING LAW TO ADD:

SHORT-TERM RENTAL ORDINANCE REGULATING SHORT-TERM RENTALS IN THE TOWN OF GREAT VALLEY

1. PURPOSE AND INTENT: AUTHORITY

The Great Valley Town Board has determined that short-term rentals can have a potential to disrupt peaceful residential neighborhoods and pose a threat to the public health, safety and well-being within the Town. The Town Board also recognizes that short-term rentals can attract visitors to the Town and can also provide an additional source of income to residential owners in the community. Accordingly, the Town Board determines a need to provide an Ordinance and supplementary rules and regulations to protect against adverse effects of such uses, while permitting short-term rentals under appropriate circumstances. This Ordinance is adopted pursuant to provisions of New York Municipal Home Rule Law, Article 16 of New York Town Law and furtherance of municipal police powers exercised to protect and maintain public health, safety and wellbeing in the Town of Great Valley.

Objectives of Local Law:

- Ensure that traditional residential neighborhoods are not turned into commercial tourist areas to the detriment of long-time residents.
- Ensure that regulation of short-term rentals does not negatively affect property values.
- Ensure that minimal impact will occur on the supply of affordable long-term stock within the Town.
- Minimize risks to public safety and adverse impacts such as noise, disruptive behavior, trash, and parking problems often associated with short-term rentals without creating additional work for Town staff and emergency response and law enforcement officials.

2. DEFINITIONS

Application: Application submitted annually by an Operator for permission to rent a Property less than 30 days, subject to approval by the Town Code Enforcement Officer (CEO) upon satisfactory completion of all requirements

Short-Term Rental: A Rental Property rented for less than thirty (30) days.

Long-Term Rental: A Rental Property rented for 30 consecutive days or more.

Operator: Owner, landlord, or other manager, responsible for renting a Property.

Rental Property: An apartment, condominium, townhouse, free standing home, or other residential unit available for rent.

Resident (Owner Occupied): An owner and full-time occupant of the residence, who resides at the premises 184 or more days of the year.

Non-resident Owner of Part-time Resident (Non-Owner Occupied): An owner and part-time occupant of the residence, who resides on the premises less than 184 days of the year.

Platform: Any rental advertisement or facilitating entity of Property rentals (newspaper, flyers, television or radio, AirBnB, VRBO, HomeAway, etc.).

Occupancy: Number of guests permitted to stay over-night in a Rental Property, as set forth in the Application.

3. GENERAL PROVISIONS

Short-Term Rentals are allowed in all zoning districts of the Town. Short-Term Rental properties may be rented every day of the year.

Short-Term Rental licenses will be issued only to Residents (Owner-Occupied) and Non-resident Owner or Part-time Residents (Non-owner Occupied) as defined in this section.

Short-Term Rentals may not be established or occupied without first having obtained a License from the CEO. Prior to issuance or renewal of a Licensee, the CEO must determine that all the regulations in this sub-section are met for all Short-Term Rental properties. Failure to continually meet the regulations in this sub-section will be cause for the CEO to revoke a License or deny renewal.

4. LICENSE REQUIRED

An owner of a Dwelling Unit shall be required to obtain from the Town of Great Valley a revocable Short-Term Rental License where a property is to be offered and intended to be used as a Short-Term Rental.

Applicants shall submit a Short-Term Rental Application annually, and associated Licensing Fee as shown on Application, to the CEO. Upon receipt of a complete application, within fifteen (15) working days, the CEO will review the Application, conduct an on-site inspection, and make a determination on whether to issue the operator a License. Licensing Fees are subject to change, from time to time, with Town Board approval.

5. APPLICATION FOR LICENSE

The applicant shall submit an Application Form to the CEO by email and provide to the Town the following information:

- The name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Town concerning the Short-Term Rental property. The local contact person may be a management company, rental agent or other person employed or engaged by the Licensee to manage, rent or supervise the Short-Term Rental property. The local contact person must be available for contact at all times and shall maintain a residence or permanent place of business within sixty (60) minutes of the licensed property. The designated local contact person may be changed by the Licensee from time to time throughout the annual term of the license. To effect such change, the Licensee shall notify the Town Clerk and CEO of the change in writing and shall, at the time, provide the Town with the name, address and telephone number of the Licensee's replacement contact person. Any replacement contact person shall meet the requirements of this paragraph. The designated contact person's telephone number will be available to the public upon request to the Town Clerk or the CEO.
- A current Certificate of Insurance showing that the dwelling is insured as a short-term or vacation rental.
- Confirmation of compliance with Cattaraugus County Hotel and New York State Sales Tax.

6. RULES AND REGULATIONS

- A. **POSTING OF LICENSE NUMBER.** The operator of a licensed Short-Term Rental property shall conspicuously post the License number and maximum number of occupants allowed, as stipulated in the License, on any advertising platform and within ten (10) feet of the main interior entrance of the Rental Property. The operator shall also conspicuously post a local emergency contact number (same as provided in the Application) and general emergency contact information (i.e.: 911, local police department) within ten (10) feet of the main interior entrance of the Short-Term Rental property.

- B. **MAINTENANCE:** The operator of a licensed Short-Term Rental property shall comply with local maintenance laws (i.e. parking, garbage, lawn cutting, property maintenance, noise) applicable to the Rental Property.
- C. **OCCUPANCY:** Occupancy will be determined by the CEO at the time of inspection as per New York State Code. The Operator of a licensed Short-Term Rental property shall not allow occupancy of the Short-Term Rental property exceeding the occupancy indicated in the license. This will be in effect for the full duration of the rental period.
- D. **PARKING:** a) All Vehicles to be Parked on Site: The motor vehicles of all occupants of the Short-Term Rental property shall be parked only on the site of the Short-Term Rental property as approved on the License. No motor vehicles shall be parked on the lawn or landscaped areas of a Short-Term Rental property, or in the public street or right of way adjacent to the Short-Term Rental property. b) Large Vehicles Not Allowed: No privately owned, non-governmental vehicle with a passenger capacity of twelve (12) persons or more shall be used to transport persons to or from a Short-Term Rental property or parked upon the premises of a single-family accommodation. c) No mobile homes, recreational vehicles or trailers are allowed to be parked on a Short-Term Rental property and utilized by renters. Tickets will be issued by the New York State Police, Cattaraugus County Sheriff or Town Highway Superintendent.
- E. **TRASH.** Dispose of Trash on Pick-up Day Only. Trash cannot be placed at the curb more than 24 hours prior to pick up. Emptied garbage cans and receptacles must be removed from curb within 24 hours of collection.
- F. **NOISE.** No occupant of a Short-Term Rental property shall make, cause or control unreasonable noise upon the Short-Term Rental property which is audible upon a private premises that such occupant has not right to occupy.
- G. **SIGNAGE.** Short-Term Rental shall not display a sign that exceeds the following standards:
- there shall be only one "for rent" sign per Short-Term Rental property,
 - signs advertising availability of short-term rentals shall be no larger than 12"x18",
 - the location of signs advertising availability of short-term rentals shall be limited to a single window, door, or attached to the exterior of the building,
 - signs advertising availability of short-term rentals shall not be placed in the yard, on public right-of-way, or on trees, poles or other structures,
 - signs advertising availability of short-term rentals shall not be flashing or internally lit, and
 - signs advertising availability of short-term rentals shall have the appearance as being professionally made.

7. FEES

The annual fee for a rental unit license is based on the number of bedrooms in the unit or house as follows:

- Studio unit - \$100.00
- One-Bedroom Unit - \$100.00
- Two-Bedroom Unit - \$200.00
- Three-Bedroom Unit - \$300.00
- Four or more Bedroom Unit - \$400.00

8. ENFORCEMENT AND PENALTIES

Penalties for the non-compliance with the above regulations are subject to change, from time to time, with Town Board approval. Any violations of this town law must be presented to the Town Clerk or CEO, in writing, and signed by the complainant. The CEO shall review and verify the complaint within 5 business days and advise the complainant of its resolution. Penalties for non-compliance at a licensed Short-Term Rental property shall be as follows:

- a. A violation of this local law is hereby declared to be an offense, punishable, for a conviction of a first offense, by a fine of not more than three hundred fifty dollars (\$350.00) or by imprisonment for a period not to exceed six months or both; for

conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six months, or both.

b. Each week's continued violation shall constitute a separate additional violation and shall be punishable as a separate offense.

c. Other Remedies

(1) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used, or any land is divided into lots, blocks or sites in violation of this local law, the Town Board, in addition, to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

9. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Ordinance shall not invalidate any other clause, sentence, paragraph or part thereof.

10. EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after publication in the Towns' official paper and upon filing with the New York State Department of State.