

**TOWN OF SPAFFORD
LOCAL LAW 4-2016**

**A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF SPAFFORD FOR
THE PURPOSE OF REGULATING THE SHORT TERM RENTAL OF HOMES**

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1: The purpose of this Local Law is to amend the Zoning Code of the Town of Spafford to regulate the short-term rental of homes within the Town. The Town recognizes that, from time to time, property owners within the Town local residents have the need wish to rent their homes, many of which are camp properties located on or near the shores of the two lakes located within the Town borders, ~~Lakes~~ Skaneateles Lake and Otisco Lake.

The Town also recognizes that, historically, Spafford has ~~historically~~ been a small, residential and # Agricultural community of primarily owner-occupied dwellings and Residential, rural community and that ~~the conversion of residential property through~~ extensive short term rentals may endanger the rural, residential nature-character of the community and may cause disruption to the peace, quiet and enjoyment of ~~residential members of the community~~ neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Town, this Local Law seeks to achieve a balance between those who would offer their homes as short-term rental properties and those who choose not to do so. Reference is made to Section 1-2 of the Zoning Code of the Town of Spafford.

SECTION 2: To achieve these stated goals, the Zoning Code of the Town of Spafford is amended as follows:

Amendments to Article I, Title, Intent, and Definitions, Section 1-5 Word Usage, Definitions:

Section 1-5 of the Zoning Code of the Town of Spafford is hereby amended to remove the definition of “Temporary Rental” and replace it with the following:

Short-Term Temporary Rental Property

The rental of a one family or two family dwelling by the owner of the dwelling for a term not to exceed one hundred twenty (120) days in any given calendar year. A one family or two family dwelling rented by the owner of the dwelling to an individual or a group of individuals for the purpose of residential occupation for a term of one hundred twenty (120) days or fewer.

Article VII, Regulations Applicable to All Zoning Districts is amended to ~~include~~add Section 7-24 which shall provide as follows:

Short-Term Temporary Rentals Properties— are subject to the following rules and regulations:

1. **120-Day Maximum.** The owner of a one-family or two-family dwelling may, ~~rent the dwelling~~ subject to all terms and conditions ~~of this and all other provisions~~ of the Zoning Code of the Town of Spafford, rent the dwelling as a short-term rental property for a term of anywhere between one (1) and one hundred twenty (120) days, but in no event shall an owner be allowed to rent the dwelling as a short-term rental property for more than not to exceed one hundred twenty days (120) days. ~~The owner may rent the dwelling multiple~~

~~times in any given year, but the total duration of all rentals may not exceed~~ one hundred twenty (120) ~~total~~ days per calendar year.

2. **Maximum Occupancy.** ~~The maximum occupancy of any short-term rental property shall be three (3) people per bedroom, as that term is defined by Section 202 of the New York State Property Maintenance Code, plus two (2) additional people. For example, if the short-term rental property contains two bedrooms, the maximum occupancy of said dwelling would be eight (8) people. If the residential premises contains two (2) bedrooms or less, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed eight (8) people, for overnight occupancy.~~

~~3. If the residential premises contains more than two (2) bedrooms, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed ten (10) people, for overnight occupancy.~~

3. **Violations.** ~~It is the owner(s) as well as the renter(s) responsibility to ensure that the use and occupancy of a temporary rental premises does not create undue or excessive noise or disturbance and that the same does not endanger the health, comfort, use, enjoyment, safety or welfare of any person, property or vegetation within the Town, and is otherwise in compliance with the Zoning Code of the Town of Spafford. An owner of a short-term rental property violates this Section whenever:~~

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a. ~~The owner rents the dwelling as a short-term rental property, for greater than one hundred twenty (120) total days per calendar year, as provided by Subsection 1 of this Section;~~

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b. ~~The owner rents the dwelling as a short-term rental property without completing a registration form and/or remitting payment of all applicable fees pursuant to Subsection 5 of this Section;~~

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c. ~~The overnight occupancy of the short-term rental property exceeds the applicable maximum occupancy as set forth in Subsection 2 of this Section;~~

d. ~~During a rental term, the individuals occupying the dwelling are cited for one or more violations of Section 7-17 of this Article, including, but not limited to, violations for excessive noise, smoke and/or odor;~~

4.e. ~~The short-term rental property is cited for a violation of Chapter 3 of the New York State Property Maintenance Code;~~

~~5.4. Non-Residential Uses Prohibited. The premises is A short-term rental property shall not to be rented for any commercial purpose, or any other purpose not expressly permitted herein under this Section, such as concerts or weddings.~~

5. **Registration of Short-Term Rentals; Fees.** ~~All owners of one or more offering a temporary short-term rental properties must complete a registration form, a copy of which is attached hereto as Exhibit "A", and are required to pay an annual registration fee of \$100.00.~~

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a. ~~The initial registration fee shall be submitted along with the registration form, and for each subsequent year that the they owner intends to offer the dwelling as a short-term~~

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~~temporary rental property's annual registration fees shall be due and payable upon the anniversary date of the filing of the initial registration form.~~

~~b. If an owner intends to rent more than one dwelling within the Town as a short-term rental property, a separate registration fee must be paid for each dwelling.~~

~~6.c. The Town Board may, from time to time, modify by resolution the registration form and/or the registration fee, by resolution of the Town Board.~~

6. Enforcement. The Code Enforcement Officer of the Town of Spafford shall have the authority to determine whether the owner of a short-term rental property has violated this Section, and to enforce his or her determinations pursuant to Article IV of the Zoning Code of the Town of Spafford. Violations of this Section may be determined by the Code Enforcement Officer's firsthand observations, or after an investigation upon a complaint from a resident of the Town of Spafford. Complaints must be in writing, and include the date, time and nature of the alleged violation as well as the address where the alleged violation occurred.

7. Suspension or Revocation of Registration After Multiple Violations. ~~Penalties for violations of this Section include those set forth under Article IV of the Zoning Code of the Town of Spafford. If, after notice of violation and a hearing, the owner(s) of a registered temporary short-term rental property premises are found to have violated any the provisions of this Section on multiple two or more occasions, the Town of Spafford Code Enforcement Officer shall have the discretionary authority, pursuant to the enforcement provisions of the Town of Spafford and Article IV of the Zoning Code of the Town of Spafford, to suspend or revoke the registration of any short-term rental property temporary rental premises where such violations have occurred.~~

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8. Appeals. Upon receipt of a determination of the Code Enforcement Officer pursuant to this Section and Article IV of the Zoning Code of the Town of Spafford, the short-term rental property owner shall have the right to appeal said determination within 30 days. The appealing owner shall make a written request for a hearing to the Town Clerk, and the Town Board shall hear the appeal at its next regular meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the Town Board shall accept evidence offered by the property owner, the Code Enforcement Officer and any other witness with relevant evidence. After the hearing, the Town Board shall decide the appeal, and, in so doing, may uphold the Code Enforcement Officer's decision, reject it, or modify it.

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9. Fines and Penalties. Notwithstanding any other provision of the Zoning Code of the Town of Spafford related to fines and penalties for violations of said Code, any violation of this Section shall constitute an offense punishable by a fine of up to \$250.00. Each day for which such violation occurs shall constitute a separate offense. In addition, the Town may pursue such other remedies as provided by law to abate any violation of this Section.

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8.10. Compliance with Tax Laws. All owners offering a short-term temporary rental property must comply with all applicable local, state and federal tax requirements.

Article VIII, Regulations Applicable to Special Use Permits is amended to add Section 8-17 entitled “Temporary Rentals.”

Section 8-17 Short-Term Temporary Rental Properties

1. An owner of a one family or two family dwelling residential property may seek approval ~~for the temporary rental of the property to rent the dwelling as a short-term rental property~~ under terms that may be inconsistent or deviate from the requirements set forth in the Zoning Code of the Town of Spafford through application of a Special Use Permit and pursuant to the terms and procedures as set forth under Article VIII of the Zoning Code of the Town of Spafford.

SECTION 3: Sunset/Amortization

- 3-1. Preexisting, non-conforming rentals of one-family and two-family dwellings that predate the enactment of this Local Law, which amends the Zoning Code of the Town of Spafford to limit the temporary short-term rental of such dwellings to one hundred twenty (120) days per calendar year and to require the owner(s) of such temporary rental premises short-term rental properties to register with the Town, shall conform to ~~the provisions~~ Section 7-24 of the Zoning Code of the Town of Spafford, as ~~amended-established~~ by this Local Law, within five (5) years from the date of its passage. This is intended as a sunset/amortization provision.
- 3-2. The Planning Board of the Town of Spafford may grant an extension of time allowing the owner(s) of a one-family or two-family dwelling to continue the preexisting, non-conforming rental of the property after the conclusion of the five (5) year amortization period described in Section 3-1 of this Local Law, provided that the owner(s) prove that, due to specific circumstances, such amortization period is unreasonable and will result in a substantial loss of investment. In order to secure an extension of time, the owner(s) must submit to the Planning Board a written request for such extension at least sixty (60) days prior to the expiration of the amortization period, together with relevant, credible documentary evidence supportive of their request, such as financial statements and tax records. In making its determination, the Planning Board shall consider, among any other relevant factor:
 - i. the nature of the non-conforming rental;
 - ii. the cost of converting to a conforming temporary rental;
 - iii. the amount and nature of the investment in the non-conforming rental dwelling;
 - iv. the detriment caused by the non-conforming rental;
 - v. the character of the neighborhood;
 - vi. the good faith efforts of the owner(s) to have amortized the cost of the investment during the course of the amortization period provided by Section 3-1 of this Local Law

SECTION 4: Authority.

The Town Board may enact this Local Law in order to protect the health, safety and welfare of its residents, and derives its authority to do so from the New York State Constitution and Section 10 of the Municipal Home Rule Law.

SECTION 5: Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 6: Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.