

# LOCAL LAW #3 of 2024

## *A Local Law Providing Regulations to Short-Term Rentals*

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Be it enacted by the Town Board of the Town of Seneca, in the County of Ontario, as follows:

### **SECTION 1. Title**

This shall be known and may be cited as the “Town of Seneca Short-Term Rental Law”

### **SECTION 2. Purpose**

The purpose of this local law is to regulate the business involving the short-term rental of residential properties to ensure such rentals do not create public safety hazards or become disruptive to the quality of life for other residents in the neighborhood where the property is located.

### **SECTION 3. Authority**

This section is adopted pursuant to section 10 of the New York State Municipal Home Rule Law, which empowers the Town of Seneca Town Board to adopt local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within the Town, and outside any village, to include the power to adopt local laws providing for the regulation or licensing of occupations or businesses, which such power includes the power to adopt a local law regulating the use of buildings for short-term rentals.

The regulations contained herein shall include all properties currently being utilized for short term rentals (no grandfather clause).

### **SECTION 4. Definitions**

For purposes of this Local Law the following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this Local Law the definitions set forth in this section shall control for the purposes of this Local Law.

1. **Application:** The application for a Short-Term Residential Rental License.
2. **Authorization Form:** A form provided to the Town of Seneca when executed by an Owner, notarized, and filed with an application for a Short-Term Residential Rental License.
3. **Complete Application:** An application satisfying all submittal requirements set forth in this Chapter for the issuance of a Short Term Residential Rental Registration as determined by the Town Code Enforcement Officer.
4. **Dwelling:** Any building or portion thereof designed or used exclusively as the residence for one (1) or more persons and containing a fully equipped kitchen for the preparation of meals and storage of food, sanitary facilities including a toilet and either a bathtub or shower, a living area, and sleeping area as defined by the New York State Building Code.
5. **Individual Short-Term Residential Renter:** an individual, family, or group of individuals, business, or other entity that rents or proposes to rent a Dwelling Unit in the Town for one month or less generally for a vacation with no intention of renting the unit for long term leasing.

6. **Owner:** the owner of record of the dwelling unit for which a Short-Term Residential Rental License is sought or has been issued. The owner may be a person, persons, 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.
7. **Owner's Listing Agent:** any individual or entity acting as an agent of an Owner for renting the Property, including but not limited to a property management company, real estate company, or on-line rental platform, if any.
8. **Owner's Representative:** a representative to respond on behalf of the owner for any issues on the rental property as defined on the authorization form.
9. **Property or Short-Term Residential Rental Property:** any dwelling units used for Short-Term Residential Rental purposes.
10. **Short Term Residential Rental:** The rental or offer of rental of a Dwelling Unit or sleeping area for a term of one month or less, continuously, generally for use as a vacation home, to one or more individuals or an entity in return of some form of compensation to the Owner, whether such compensation is in cash or some other form. The renewable rental of a dwelling unit to one or more persons who expect to occupy such unit more or less continuously on a month-to-month basis shall not be considered a Short-Term Residential Rental under this Local Law.
11. **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 meet the requirements of a habitable area as defined by the most current version of the New York State Uniform Fire Prevention and Building Code.
12. **Town:** The Town of Seneca, Ontario County, New York.

#### **SECTION 5. Registration Required**

It shall be unlawful for any Owner to rent or offer to rent a dwelling unit or sleeping area for one month or less without a valid Short-Term Residential Rental Registration issued by the Town of Seneca. An Owner's Agent may apply for a Short-Term Residential Rental License on behalf of an Owner when such application is accompanied by an Authorization Form.

#### **SECTION 6. Short-Term Residential Rental License Application**

- A. An application for a Short-Term Residential Rental License shall be submitted to the Town Code Enforcement Officer on forms provided by the Town.
- B. An application for a Short-Term Residential Rental License shall not be deemed complete unless accompanied by the following information:
  - I. Street address for each dwelling unit to be offered for rent for one month or less. Said address shall reflect the official street address complying with the Ontario County Official Addressing Policy per Ontario County Board of Supervisors' Resolution No. 413-1993.
  - II. The name, address, and contact information including a phone number where the Owner or the Owner's Representative can be reached 24-hours/day, and whom may be contacted in the event of an emergency or violation of this chapter, and whom is expected to be able to receive and respond to any request or order issued by the Town in regard to the Owner's dwelling units regulated under this Local Law.
  - III. A Signed acknowledgement on the application, that the Owner and/or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of the Short-Term Residential Rental

and certifying that all the information provided on and with said application are true. If there is an agent of the Owner managing the Short-Term Residential 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.

- IV. Permission for the Town Code Enforcement Officer to complete a routine fire/life safety inspection for the original application and all subsequent renewals as may be required by the NYS Fire or Property Maintenance Codes.
- V. The maximum number of over-night (sleeping) occupants to be accommodated. Said number shall not exceed the number of occupants allowed as determined by the New York State Building Residential Codes.
- VI. The location of off-street parking spaces for use by renters. The number of parking spaces shall allow for all parking to be in a driveway or parking lot.
- VII. The secure location for solid waste and recyclable storage with secure covers.
- VIII. Submit a plan for solid waste disposal and recycling collection for each dwelling unit to be included on the Short-Term Residential Rental License.
- IX. If the Dwelling unit involved is served by an on-site waste-water disposal system, provide evidence that it has capacity to serve the maximum number of proposed occupants.
- X. Payment of Short-Term Residential Rental Registration Fee is established by the Town.

#### **SECTION 7. Short-Term Residential Registration**

Allowed in all zoning districts.

Prior to issuance of any license for Short-Term Rentals the following must be confirmed: (i) The owner of the rental must be a New York State Resident or have a local property manager, with contact information, available to respond to the property for any complaints or emergencies; (ii) The owner must provide a phone tree for emergency or complaint response.

- A. **Effective Date:** The Town Code Enforcement Officer shall issue a Short-Term Residential Rental License within Twenty-One (21) business days of receipt of a completed application as defined in this Local Law and fire/life safety inspection completed.
- B. **Licensee:** All Short-Term Residential Rental Licenses are granted to the Owner of the Dwelling Unit involved, regardless of whether the application for the license was submitted by the Owner or the Owner's Agent.
- C. **Term:** All Short-Term Residential Rental Licenses shall be valid for the remainder of the calendar year in which they were issued.
- D. **Void Upon Sale:** A Short-Term Residential Rental Registration shall be considered terminated upon sale of the dwelling unit involved to a new owner. In the case where multiple dwelling units are listed on a single Short-Term Residential Rental License, units sold to another owner are considered removed from such registration.
- E. **Renewal:** all Short-Term Residential Rental Licenses may be renewed for an additional term in December for the following calendar year. All Short-Term Residential Rental Licenses not renewed by January 1 shall be considered suspended until renewed. Short-Term Residential Rental Licenses shall be renewed upon:
  - I. Payment of the renewal fee.
  - II. Filing of any modifications concerning the dwelling unit or property on the registration in compliance with this Local Law.
  - III. Completion of a routine fire/life safety inspection.

- F. Emergency Suspension: Upon the discovery of an immediate health hazard to renters or the general public, the Town Code Enforcement Officer can suspend the Short-Term Rental registration until the hazard is remedied.
- G. Any Short-Term Residential Rental registration shall be immediately declared null and void upon the Town's discovery of inaccurate information provided in the application or attachments thereto.

## **SECTION 8. Licensee Obligations**

Owner's possessing a Short-Term Residential Rental License shall comply with the following requirements:

- A. In each dwelling unit offered as a Short-Term Residential Rental post on the interior of the entry door of said unit or a nearby visible location the following information:
  - I. The address of the dwelling unit as indicated on the Short-Term Residential Rental License (Compliant with the Ontario County Official Addressing Policy, in other words the 'official' address for the dwelling unit).
  - II. The Phone Number for the owner or representative to be used in case of an emergency.
  - III. The statement, "overnight occupancy by more than 'X' individuals during a Short-Term Residential Rental is unlawful", where "X" shall be replaced by the maximum number of overnight occupants designated on the Short-Term Residential Rental License.
  - IV. The location of off-street parking for the use of the Short-Term Residential Renters, along with the statement, "It is unlawful to park on either public or private roads or rights-of-way or to in any way block emergency egress to this or any other property in the Town of Seneca."
  - V. The following statement: Please be a good neighbor. You are renting in a residential neighborhood! Please be respectful of neighbors and neighboring properties.
- B. In all advertising or listing, regardless of format, regarding a Dwelling Unit offered for Short -Term Residential Rental, indicate the maximum number of overnight occupants the unit can accommodate legally as indicated on the Short-Term Residential Rental License.
- C. Maintain required property and liability insurance.
- D. Provide secure operational solid waste and recyclable collection containers and service to the property for emergency responders.
- E. Post the house number in a location visible from the public or private road providing access to the property for emergency responders.
- F. Comply with the Town of Seneca Zoning Law and in particular the provisions of this section and the Short-Term Residential Rental License in the offering and rental of Short-Term Residential Rental Units.
- G. Provide a smoke detector in each sleeping room and one smoke/carbon monoxide detector on each floor and within 10 feet of each sleeping room.
- H. Provide an ABC fire extinguisher on each floor and the kitchen of each rental unit.
- I. The owner or local representative shall live within a 30 minute radius of the property.
- J. Provide updated information to the Town whenever there is a change in information submitted to the Town with the application for a Short-Term Residential Rental License and associated materials, including, but not limited to:
  - I. Changes involving either the dwelling unit or property subject to a Short-Term Residential Rental License. This can include a change in the number of bedrooms involved, the number of dwelling units, or the number of off-street parking spaces available. Any such changes not in compliance with this chapter may result in revocation of a Short-Term Residential Rental License.
  - II. A change in the Owner's contact information.
  - III. A change in the Owner's agent and/or Property Management Company.

- IV. A change in the 24-hour emergency contact name or phone number.
- V. Sale of any unit listed on a Short-Term Residential Rental License.
- K. Quiet Hours: Quiet hours shall be posted at each short-term rental. Quiet Hours shall be 10:00pm - 7:00am Sunday through Thursday and 11:00pm – 7:00am Friday and Saturday. During quiet hours, the noise level at any neighboring residential property line shall not exceed 75Db.

#### **SECTION 9. Short-Term Residential Rental Registration Fees**

An annual registration fee of \$200.00 shall be payable to the Town in January of each calendar year. Any new Short-Term rental registered during a calendar year shall be subject to the \$200.00 annual fee with no pro-ration.

#### **SECTION 10. Complaints And Violations**

Whenever a violation of this Local Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and should be filed with the Town Code Enforcement Officer, who shall properly record such complaints and immediately investigate the report thereon.

The Code Enforcement Officer of the Town of Seneca shall be authorized to enforce the provisions of this Local Law by the issuance of appearance tickets stating the provisions of this Local Law that have been violated and shall prosecute the same in the Town Court for the Town of Seneca.

#### **SECTION 11. Penalties**

- A. The owner of any property subject to this Local Law rented as a Short-Term Residential Rental without a valid Short-Term Residential Rental License shall be guilty of a Violation punishable by a fine not to exceed \$200 for the first violation. Each day's continued violation shall constitute a separate additional violation. A second violation within a 12-month period shall be punishable by a fine not to exceed \$500.00. A third violation within a 12-month period shall be punishable by a fine not to exceed \$1,000.00 and a revocation for registration to operate a Short-Term Rental.
- B. If any building, structure, dwelling, dwelling unit, lot, parcel, or part thereof is used in violation of this Local Law, the Town, in addition to other remedies, penalties, or enforcement measures, may institute any appropriate action or proceeding to enjoin, stop, restrain, correct, or abate such violation.

#### **SECTION 12. 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, impare 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 judgement shall have been ordered.

#### **SECTION 13. Effective Date**

This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.