

Town of Chatham
Draft Local Law No. of the year 2020

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

- I. Purpose: 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 standard short-term rental lodging facilities occurring within the Town through the enactment of the following Local Law.
- II. Definitions: Below are definitions of terms utilized in this local law, as needed. If any definition herein shall be inconsistent with any other section of the Town Code and /or Zoning Law, the definition herein shall control.

Lodging Facility: Any hotel, motel, inn, bed and breakfast, dwelling, dwelling unit or other establishment providing sleeping accommodations to visitors for compensation

Commercial Wedding and Party Event Venue: Homes/short term rentals and or properties that host more than one (1) commercial wedding, event and/or party per year. A commercial event is defined as an event planned with the purpose of making money or where a venue is hired for a private or commercial function. These include but are not limited to events such as: weddings, parties, entertainment events, family reunions, conferences, shows and attractions. Short-Term Rental (STR) properties that are used as commercial wedding or commercial party event venues more than once a year shall require a Special Use Permit. Commercial Wedding and Event Venues shall be permitted in all zoning districts, except for H1 and H2, subject to the issuance of a special use permit as that term is defined in the Chatham Zoning Law.

Visitor: A person visiting or residing in the Town of Chatham for a period of less than thirty days.

Investment Short-Term Rental (ISTR) – A STR unit that is not a Primary Residence, Second home, nor an accessory Standard Short-Term Rental (SSTR). An Investment STR is rented to guests on a short-term basis, typically fewer than 30 nights. Investment STR is a business use and requires an annual permit as well as Site Plan Review. Investment STR's are allowed in the business and industrial zones only.

Standard Short-Term Rental (SSTR): The rental of dwelling, dwelling unit or other establishment to a Visitor for a period of less than thirty days. Standard Short-Term Rentals shall have a base occupancy allowance of up to 10 visitors unless there are more than five bedrooms. For each additional bedroom up to three, there may be 2 additional visitors per bedroom. This definition specifically excludes hotels, motels, inns, bed and breakfasts, Commercial Wedding and Party Event Venues and Investment STR's. After obtaining a permit, SSTRs shall be allowed in all zoning Districts of the Town as defined in the Town of Chatham Zoning Law subject to the provisions of this local law. Standard Short-Term Rentals include 3 Classes: Primary Residence, Second Homeowner and Accessory. Hereafter, when the term Standard Short-Term Rental is used it is implied that the definition includes these three classes. Investment Short-Term Rentals are expressly not included in this definition. No household shall operate more than three SSTR's. The total number may be derived from a combination of classes.

Primary Residence Standard Short-Term Rental – A SSTR unit where the owner hosts Visitors in a bedroom or some portion of their primary residence. The homeowner may choose to remain in the residence during the rental or may vacate the premises during the rental period.

Second Homeowner Standard Short -Term Rental– A SSTR unit where the owner leaves his/her unit for a period of time –and rents out all or part of the unit in his or her absence. Acceptable proof of residency includes: two letters from neighbors, preferably adjacent, stating that the SSTR owner is a part-time resident.

Accessory Standard Short-Term Rental - A SSTR where the owner lives within a 20-mile radius of the rental unit.

Standard Short-Term Rental and Investment Short-Term Rental Local Contact Person: A Person that is the second contact for Standard Short-Term Rental and Investment Short -Term Rental issues. This person must live within 20 miles of the Rental he/she represents.

Good Neighbor Statement – a Good Neighbor Statement is a leaflet that shall contain pertinent information that will help SSTR Visitors understand the house and property they are renting, the neighborhood they are in and relevant sections of the Chatham 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. The Town’s Communications Committee is willing to help residents with this requirement by offering a template that can be filled in.

Standard Short-Term Rental Regulations:

A. No real property within the Town of Chatham shall be used or rented as a Standard Short-Term Rental without an annual Permit issued by the Town of Chatham Code Enforcement Officer. Such Permit shall include, but is not limited to, the property owner's name, address, phone number, email address and contact person’s information and the following:

1. The cost of the permit is \$50.00 annually.

2. Permits issued for Standard Short-Term Rentals shall be non-transferable and shall immediately expire upon any change of ownership of the premises. Any new owners must obtain a new permit prior to any rentals.

3. The maximum occupancy of the SSTR shall be stated on the permit.

4. Declaration of Standard Short-Term Rental Class

5. A depiction of the allowed parking on the premises.

6. Every owner of a SSTR shall register for a permit within 120 days of the passage of this SSTR law and renew such permit no later than January 31 of each succeeding year.

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 Standard Short-Term Rental shall receive the first contact, not the contact person. The owner is responsible for responding to any complaint or occurrence requiring action involving an SSTR 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 contacted. The Owner may designate the local contact as the initial point of contact by written notification to the Town Code Enforcement Officer.

C. All Standard Short-Term Rentals as well as Investment STR's, 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, 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.

1. The local contact person shall be available for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Standard Short-Term Rental as well as Investment STR's, when the owner cannot be reached. The local contact person must respond promptly to any such complaints.

2. The local contact person must reside within twenty (20) miles of the Standard Short-Term rental or Investment STR's

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

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

F. All Standard 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.

2. SSTRs must have a 911 emergency number visible from the street.

3. It is strongly recommended that SSTRs provide visitors with emergency lights, an evacuation plan with marked exits and a list of emergency numbers.

G. A copy of the Permit and emergency contact information shall be posted and displayed in all SSTR's.

H. A "Good Neighbor" statement shall be made available. SSTR owners are strongly encouraged to review this statement with Visitors to avoid trespassing on private property and possible violations to the Town Code such as, noise, parking and littering.

I. Fines or penalties.

When applicable, shall be in accordance with those set forth in the Town Code and applicable State or Federal laws. Failure to comply with the Town Code may result in the forfeiture of the SSTR Permit. Failure to provide up to date contact information, or the provision of inaccurate information on the permit application may result in the forfeiture of the SSTR permit.

J. Severability

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

K. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State's office.