

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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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
Town of Gorham
Village

Local Law No. **6** of the year **2022**

A local law **Amending the Town of Gorham Municipal Code to Add a Short-Term Rental Law**

(Insert Title)

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

County
City
Town of Gorham as follows:
Village

Section 1. The Town of Gorham Municipal Code is hereby amended by adding a new Chapter 23 to read as follows:

Chapter 23

Short-Term Rentals

§ 23-1 Title

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

§ 23-2 Purpose

The purpose of this Chapter is to regulate the business involving the short-term rental of residential properties to ensure such rentals do not create public safety hazards nor become disruptive to the quality of life for other residents in the neighborhood where the property is located.

§ 23-3 Authority

This Chapter is adopted pursuant to §10 of the New York State Municipal Home Rule Law, which empowers the Town of Gorham 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.

§ 23.4 Definitions

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

- A. **Application** – The application for a Short-Term Residential Rental License.
- B. **Authorization Form** – A form provided by the Town of Gorham when executed by an Owner, notarized, and filed with an application for a Short-Term Residential Rental License.
- C. **Complete Application** – An Application satisfying all submittal requirements set forth in this Chapter for the issuance of a Short-Term Residential Rental License as determined by the Town Code Enforcement Officer.
- D. **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.
- E. **Individual Short-Term Residential Renter** – An individual, family, 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 an additional consecutive Short-Term Residential Rental Term.
- F. **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.
- G. **Owner's 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.

- H. **Property or Short-Term Residential Rental Property** – Any and all dwelling units used for Short-Term Residential Rental purposes.
- I. **Short Term Residential Rental** – The rental or offer of rental of a Dwelling Unit for a term of one month or less, 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 chapter.
- J. **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.
- K. **Temporary Access Easement** – An easement granted to the Owner to cross over the property of another when such access is necessary to provide entry to the Property being offered for Short Term Residential rental.
- L. **Town** – The Town of Gorham, New York.
- M. **Land Use Approval** –The land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Short-Term Rental Ordinance, the terms and conditions in the Short-Term Rental Ordinance shall control.

§23.5 LICENSE REQUIRED

It shall be unlawful for any Owner to rent or offer to rent a dwelling unit for one month or less without a valid Short-Term Residential Rental License issued by the Town of Gorham. 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.

§23.6 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:
 - 1. 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.

2. The name, address, and contact information including a 24-hour contact phone number whom may be the Owner or Owner's Agent, 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 chapter.
3. Signed and notarized statement allowing periodic inspection of the dwelling unit or units subject of a Short-Term Residential Rental License for compliance with this chapter. Said inspections shall be performed by the Town's Code Enforcement Officer or other duly appointed official upon 24-hour notice to the Owner. In the case of a complaint received by the Town, an emergency situation, or other public safety issue such inspection may take place immediately upon telephone notification made to the 24-hour emergency contact telephone number provided with the application for the Short-Term Residential Rental License. The Owner is hereby notified that Emergency Service Providers may, at their discretion, notify or involve the Town Code Enforcement Officer during or after responding to an emergency call at a dwelling unit included in a Short-Term Residential Rental License.
4. A signed acknowledgement on the application, that the Owner, Property Management Company, and /or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a Short-Term Residential Rental and certifying that all the information provided on and with said application are true. If there is a Property Management Company or other 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.
5. A scaled drawing of the property and floor plan of each dwelling unit to be offered as a Short-Term Residential Rental, denoting:
 - a. The number of bedrooms and other areas available for sleeping accommodation.
 - b. The maximum number of over-night (sleeping) occupants to be accommodated. Said number shall not exceed the number of bedrooms times two plus two per pull-out couch, futon, or other furniture suitable for sleeping.

- c. The location of off-street parking spaces for use by renters. The number of parking spaces shall be equal to or greater than the number of over-night (sleeping) occupants divided by four. The number of off-street parking spaces shall be in addition to any off-street parking spaces required for other dwelling units on the property or for occupants of the premises if the owner or non-Short-Term Residential Renters or Occupants will be occupying the subject dwelling unit, portions thereof, or other dwelling unit on the property at the same time as the Short-Term Residential Renters.
 - d. The secure location for solid waste and recyclable storage with secure covers.
- 6. Submit evidence of a contract for solid waste disposal and recycling collection for each dwelling unit to be included on the Short-Term Residential Rental License.
- 7. If the dwelling unit involved is served by an on-site waste-water disposal system, provide evidence it has the capacity to serve the maximum number of proposed occupants.
- 8. If the dwelling unit involved is served by a private water supply, provide evidence of potability and adequacy of supply for the maximum number of occupants.
- 9. Submission of copies of evidence of the following insurance coverage:
 - a. Property insurance for the dwelling unit and property.
 - b. General liability insurance coverage of at least one million dollars (\$1,000,000.00) for each dwelling unit to be listed on the Short-Term Residential Rental License indicating the property is rated as STR (Short Term Rental).
- 10. Payment of Short-Term Residential Rental License Fee as established by the Town.

§23.7 Short-Term Residential Rental License

- A. **Effective Date:** The Town Code Enforcement Officer shall issue a Short-Term Residential Rental License within 5 business days of receipt of a completed application as defined in this chapter.
- B. **Licensee:** All Short-Term Residential Rental Licenses are granted to the Owner of the Dwelling Unit or Units involved, regardless of whether the application

for 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 License 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 license.
- E. Renewal: All Short-Term Residential Rental Licenses maybe 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:
 - 1. Payment of the renewal fee
 - 2. Filing of any modifications concerning the dwelling units or property on the license in compliance with this chapter.
 - 3. Filing of updated insurance certificates.
- 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 permit until the hazard is remedied
- G. Any Short-Term Residential Rental License shall be immediately declared null and void upon the Town's discovery of inaccurate information provided in the application or attachments thereto or with any renewal as submitted by the Owner or the Owner's Agent, including the Owner's or Owner's Agent's failure to update information concerning the dwelling units subject to a Short-Term Residential Rental license.

§23.8 Licensee Obligations

Owners 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:
 - 1. The address on 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).

2. Phone number for the owner, property manager, or owner’s agent to be used in case of emergency.
 3. 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.
 4. The location of off-street parking for 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 Gorham.”
 5. The following statement: Please be a Good Neighbor. You are renting in a residential neighborhood! Please be respectful and observe quiet time from 11 p.m. until 7 am (per the Town of Gorham’s Noise Ordinance)!
 6. Post any mandated health or safety policies or requirements (for example, COVID-19 protocols).
- B. In all advertising or listing, regardless of format, regarding a Dwelling Unit offered for Short-Term Residential Rental, indicate:
1. The address on 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).
 2. The maximum number of overnight occupants the unit can accommodate legally as indicated on the Short-Term Residential Rental License.
- C. Require Each Short-Term Residential Rental License Renter to execute a written rental agreement requiring compliance with this chapter and the Short-Term Residential Rental License, both of which shall be attached thereto, and a copy of said rental agreement made available to the Town upon demand for a period of at least one year after the end of such rental period.
- D. Maintain required property and liability insurance.
- E. Provide secure operational solid waste and recyclable collection containers and service to the dwelling unit(s) listed on the Short-Term Residential Rental License.
- F. Post the house number in a location visible from the public or private road providing access to the property for emergency responders.

- G. Comply with the Town of Gorham Municipal Code and in particular the provisions of this chapter and the Short-Term Residential Rental License in the offering and rental of Short-Term Residential Rental Units.
- H. 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.
- I. Provide an ABC fire extinguisher on each floor and the kitchen of each rental unit.
- J. Post a floor plan showing the evacuation routes in each room to be used for sleeping.
- K. 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:
 - 1. 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.
 - 2. A change in the Owner's contact information,
 - 3. A change in the Owner's agent and/or Property Management Company.
 - 4. A change in the 24-hour emergency contact name or phone number.
 - 5. Sale of one or more dwelling units listed on a Short-Term Residential Rental License.

§65.6 Short-Term Residential Rental License Fees.

The application fee, annual renewal fee, and any charges for late renewal shall be set by resolution of the Town Board.

§65.7 Complaints of 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 shall be filed with the Town Code Enforcement Officer, who shall properly record such complaint and immediately investigate the report thereon.

§65.8 Penalties

- A. A violation of this chapter is hereby declared to be a criminal offense, punishable by a fine not exceeding \$250. Each day's continued violation shall constitute a separate additional violation.
- B. If any building, structure, dwelling, dwelling unit, lot, parcel or part thereof is used in violation of this Chapter, 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 2. 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 3. This local law shall take effect immediately upon filing with the Secretary of State.

(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. ____ of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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.

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.

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 was (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.

¹ 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 chairperson 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.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ 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 _____, 20__, became operative.

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

I 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.

Clerk of the Town

(Seal)

Date: _____