

Town of Wayne
Short Term Rentals Local Law
Local Law No. 1 of the year 2023

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

A LOCAL LAW TO REQUIRE OWNERS OF SHORT TERM RENTALS TO OBTAIN A SHORT TERM RENTAL PERMIT.

Section I. TITLE:

This local law shall be known as the Short Term Rental Local Law and may be cited as Local Law No 1 of the Year 2023 . It requires owners to obtain a SHORT TERM RENTAL Permit from the Town of Wayne in order to continue or commence operation of a SHORT TERM RENTAL as defined herein.

Section II. Authorization:

The adoption of this Local Law is in accordance with 264 of New York's Town Law 10 of the New York Municipal Home Rule Law.

Section III. Legislative intent and purpose:

The Town recognizes that it would be beneficial for the Town to control and regulate the use of SHORT TERM RENTALS within the Town of Wayne. The provisions of this section are intended to preserve and protect the health, character, safety and general welfare of the residential neighborhoods and rural areas where SHORT TERM RENTALS are operated, and to mitigate the adverse effects of SHORT TERM RENTALS.

Section IV. Definitions. As used in this chapter, the following term shall have the meaning indicated.

SHORT TERM RENTALS- Any portion of real property rented for compensation in exchange for lodging for a period of not more than 31 consecutive days. This may include, but is not limited to, campgrounds, tent sites, tent platforms, motorhomes, boats or other temporary structures on the property. For the purpose of this chapter the term Short Term Rental shall not include hotel, motel, B&B or ongoing month to month tenancies that have been in existence for at least 90 days.

Section V. Requirements, Procedures and Penalties

1.1 Presumption of a dwelling unit as a SHORT TERM RENTAL Property.

- A. All or part of a property that is offered for sale or lease on a SHORT TERM RENTAL website or any other form of advertising, including but not limited to Airbnb, Home Away and VRBO for a rental period of less than 31 days. All or part of a property that is offered for lease for a period of 31 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a SHORT TERM RENTAL.

1.2 Required Permit

- A. Owners shall not use their property as a SHORT TERM RENTAL without obtaining a revocable SHORT TERM RENTAL Permit. Permit fees may be amended by resolution by the Town Board.
- B. A SHORT TERM RENTAL Permit shall be valid for two years and must be renewed no fewer than 30 days prior to expiration of the current permit if it is intended to continue as a SHORT TERM RENTAL. Failure to renew shall result in automatic termination. The permit shall include a registration number that must be provided to marketers i.e. Air B&B, VRBO, etc.
- C. The SHORT TERM RENTAL permit is not transferable to a new owner or operator. The new owner or operator of the premises must file a new permit application.
- D. Notwithstanding the foregoing, those properties with SHORT TERM RENTAL commitments existing on the date this section takes effect shall be permitted to honor such existing commitments, but must apply for a permit for all future rental commitments. In the event such application is denied, all commitments shall be canceled.

1.3 SHORT TERM RENTAL Permit Application Requirements.

- A. Applications for a SHORT TERM RENTAL are available on the Town of Wayne Website or from the Code Enforcement Office. Applications shall be accompanied by a payment of a nonrefundable permit fee as determined from time to time by resolution of the Town Board.
 - 1. The signatures of all owners or their designated agents.
 - 2. A notarized self-certification of current and on-going compliance with the SHORT TERM RENTAL standards as defined in this chapter.
 - 3. A listing of each property owner or manager and contact information including telephone and e-mail. This shall include a 24-hour contact person, who can respond to issues or complaints within 2 hours.
 - 4. An accurate floor plan for each level of the dwelling that can be occupied, including the following:
 - A. The location of buildings and required parking.
 - B. Location of house utilities, all rooms and bedrooms, exits.

1.4 Property Requirements – Owner must self-certify:

- 1. Property must comply and meet all current NYS Uniform building codes
- 2. Smoke detector / carbon monoxide detector installed per NYS Unified Fire Prevention and Building Code.
- 3. Evacuation procedures must be posted in each sleeping room in the event of smoke or fire.
- 4. There shall be an ABC fire extinguisher located on each floor. The fire extinguishers must be maintained to ensure a full working charge.
- 5. The house number shall be located on both the road and the dwelling unit as prescribed by the NYS building code.
- 6. The property must have a minimum of 1 off-road parking space for every bedroom on the floor plan included with the application. Parking on the NYS, County or Town right of way will NOT constitute a parking space.

7. Maximum occupancy for each SHORT TERM RENTAL unit shall not exceed 2 people per bedroom as shown on the floorplan. Two people for full sized sleeping on convertible sleeping furniture (i.e. futon/hidden bed). The maximum occupancy for any building/buildings shall not exceed 12 people (infants two and under will not be included in the maximum occupancy limit). This provision may be amended in the future through a Town Board resolution.
8. The maximum capacity shall be reduced if the capacity of the septic system has a capacity of less than 12 people as determined by NYS Health Department regulations.
9. Septic system must meet all Keuka Watershed Improvement Cooperative (KWIC) and Town regulations and have been inspected in accordance with the Town of Wayne's Septic Inspection regulations.
10. Well water must meet NYS requirements.
- 1.5 Insurance Standards- All Applicants must provide evidence of property insurance and a certificate of liability indicating that the property is rated as a SHORT TERM RENTAL. The policy must be maintained throughout the term of the permit and insurance provider contact information must be provided.
- 1.6 Garbage- Provisions shall be made for weekly garbage removal during rental period. Garbage containers must be fitted with tight lids. Garbage cans Must NOT remain on roadside beyond garbage pick up day.
- 1.7 Rental Contract permit holders must have a rental contract that includes:
 - A. Maximum property occupancy
 - B. Maximum on-site parking
 - C. Town of Wayne Noise Policy – including the observation of quiet hours between 10 PM – 7 AM (Monday-Thursday), 11 PM – 7AM (Friday & Saturday).
- 1.8 Procedures upon filing application.
 - A. Applications shall be filed with the Town of Wayne Code Enforcement Office along with the following submittals:
 - Insurance certificate
 - Floor plan
 - Payment in full of application fee
 - Off street parking areas.
 - Copy of Rental Contract including House rules
 - B. The application will be reviewed and if approved a SHORT TERM RENTAL Permit will be issued.
 - C. The Permit may be revoked for violating any of the requirements set forth in this local law.

2.0 Compliance and Penalties:

Violations of this section of any Short-Term Permit shall be subject to enforcement and revocation of the permit. This section includes operating without a permit. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this section or any SHORT TERM RENTAL Permit issued pursuant to this section, the owners shall be notified in writing by first class and certified return receipt mail of said violations and the Code Enforcement Officer may take any or all of the following actions:

- A. Require corrective actions that remedies the violation. The violation must be corrected and approved within 10 days of notice from the Code Enforcement Officer. Owners shall consent to on site inspection of Code Enforcement Official to confirm compliance.
- B. Suspend the SHORT TERM RENTAL Permit. The notice of suspension shall be provided to the property owner and the Town Clerk.
- C. Issue a court appearance ticket for a violation of Town Law.
- D. Revoke the SHORT TERM RENTAL Permit. Should a permit be revoked, all owners of the SHORT TERM RENTAL are prohibited from obtaining a SHORT TERM RENTAL permit on the property for one year after the date of revocation. The Code Enforcement Officer shall send Notices of Revocation to property owners and shall file a copy with the Town Clerk.
- E. Property owners shall be liable for all enforcement costs, including attorney fees and court costs.
- F. This local law may be prosecuted by the Code Enforcement Officer or the Town Attorney.

Penalty up to \$100.00 dollars per day of non-compliance. For days 1-10. After 10 days a penalty up to \$250.00 per day. Each day is a separate and distinct violation. Fine amounts may be changed prospectively by resolution of the Town Board approved by a majority vote of the entirety of the board membership.

3. Application for Renewal of Permit.

Renewal permits will be granted for an additional 2-year term if the following conditions are met.

- A. Application for renewal of the SHORT TERM RENTAL Permit is made 30 days prior to the expiration of the current permit and requires payment of renewal fee.
- B. Required submittals filed with renewal permit.
- C. Any violations must be remedied prior to renewal of permit.

4. Grounds for Suspension or Revocation

- 1. Applicant has falsified or failed to provide information in the application for a permit or the application of a renewal permit.
- 2. Applicant has failed to meet or comply with any of the requirements of this chapter.
- 3. Owner is in violation of any provision of the Code of the Town of Wayne.
- 4. Owner has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to the occupancy of the SHORT TERM RENTAL.
- 5. Any condition on the premises, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
- 6. Removal, disabling or disrepair of any safety device such as, but not limited to smoke and carbon monoxide detectors, fire extinguishers and egresses.

4.1 Appeals and Hearings. The Property Owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when an application is denied or revoked. A hearing will be held by the Zoning Board of Appeals within 60 days of the filing of the notice to appeal.

Section VI. Validity and Severability – should any word, section, clause, paragraph sentence, or part provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof

Section VII. Repeal, Amendment and supersession of other laws- All other ordinances or local laws of the Town of Wayne which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent to give this local law force and effect.

Section VIII. Effective Date

This law will take effect upon filing with the office of the New York State Secretary of State.