

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

FILED
STATE RECORDS

DEC 16 2016

County City Town Village
(Select one.)

of SPAFFORD

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law TO AMEND THE ZONING CODE OF THE TOWN OF SPAFFORD FOR THE PURPOSE
(Insert Title)
OF REGULATING THE SHORT TERM RENTAL OF HOMES

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of SPAFFORD

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 4 of 20 16 of the ~~(County)(City)~~(Town)(Village) of SPAFFORD was duly passed by the TOWN BOARD OF THE TOWN OF SPAFFORD on NOVEMBER 10 20 16, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 ____ *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 ____ *(Elective Chief Executive Officer*)*. 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.

* 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.)

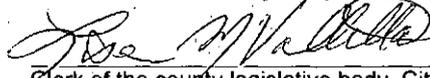
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

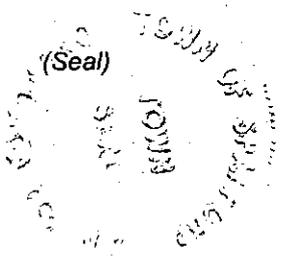
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Dec 13, 2016



**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 from time to time local residents have the need 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 and Otisco.

The Town also recognizes that Spafford has historically been an Agricultural and Residential, rural community and that the conversion of residential property through extensive short term rentals may endanger the rural, residential nature of the community and may cause disruption to the peace, quiet and enjoyment of residential members of the community. 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:

Temporary Rental

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.

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

Temporary Rentals – are subject to the following rules and regulations:

1. 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, for a term not to exceed one hundred twenty (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) days per calendar year.
2. 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.
4. 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.
5. The premises is not to be rented for any commercial purpose, or any other purpose not expressly permitted herein, such as concerts or weddings.
6. All owners offering a temporary rental must complete a registration form, a copy of which is attached hereto as Exhibit "A", and are required to pay a \$100.00 registration fee for each year they intend to offer temporary rentals. The Town Board may from time to time modify the registration form and/or the registration fee by resolution of the Town Board.
7. 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 registered temporary rental premises are found to have violated the provisions of this Section on multiple 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 temporary rental premises where such violations have occurred.
8. All owners offering a temporary rental 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 Temporary Rentals

1. An owner of a residential property may seek approval for the temporary rental of the 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 rental of such dwellings to one hundred twenty (120) days per calendar year and to require the owner(s) of such temporary rental premises to register with the Town, shall conform to the provisions of the Zoning Code of the Town of Spafford, as amended 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: Effective Date

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

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Christine Fesko, Councilor	Yes	Cherry Randall, Councilor	No
Dave Venezia, Councilor	Yes	Christopher Kozub, Supervisor	Yes
Luke Dewitt, Councilor	Yes		

The foregoing resolution was thereupon declared duly adopted.

DATED: November 10, 2016

TOWN OF SPAFFORD
TEMPORARY RENTAL
REGISTRATION FORM

Pursuant to Article VII, Section 7-24, the following owner(s) register(s) the property indicated below with the Town of Spafford for temporary rental for the calendar year _____.

Owner(s) Name: _____

Permanent Address: _____

Address of Property
being rented: _____

Rental Property
phone number: _____

Owner(s) Contact Information:

Home phone number: _____

Cell/emergency number: _____

E-mail address: _____

Please initial to confirm the following:

- _____ Property contains fully functioning smoke alarm.
- _____ Property contains fully functioning carbon monoxide alarm.
- _____ There is present a fully functioning fire extinguisher in the kitchen.
- _____ Owner(s) have obtained suitable liability insurance coverage on the premises sufficient to cover for property rental.

Please initial one of the following:

_____ **Property contains two (2) bedrooms or less and will not be rented to more than eight (8) people, or**

_____ **Property contains more than (2) bedrooms and will not be rented to more than ten (10) people, or**

_____ **Property enjoys benefit of Special Use Permit with the following conditions:** _____

_____ **I have read and am familiar with the Noise Ordinance contained in Section 7-17(D)(3) in the Zoning code of the Town of Spafford and understand that the ordinance applies to the short term rental of my premises and will advise my renters of same.**

_____ **I have read Article VIII of the Town of Spafford Zoning Code pertaining to temporary rentals and understand its terms and will advise my renters of same.**

_____ **I have provided the tenant with a transfer station pass for trash removal. I have informed the tenant of the transfer station hours of operation and Rules and Regulations.**

FOR USE BY TOWN OFFICIALS

Applicant has paid the required registration fee of \$ _____ for calendar year _____

Signed: _____
Town Official

Date: _____