**10.35 Short-Term Rental Requirements**

**10.35.1** Purpose. The Town of Catlin is proud to be a community that welcomes visitors while maintaining availability of permanent housing stock for residents and a high quality of life. In order to respect the property rights and interests of all homeowners and long-term renters in the Town, the following requirements seek to achieve a balance between those who wish to offer their homes and properties as STRs and those who choose not to do so. The STR requirements for the Town are intended to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, oversight, and maintenance of STR properties through operational and permitting regulations.

**10.35.2** Definition. A short-term rental (STR) is defined as the use of a property for the rental or lease of any dwelling unit(s), to any person, group, or entity for a period of not more than 30 consecutive nights. Motels, hotels, inns, and bed and breakfasts are excluded from this definition.

**10.35.3** Permit Required.

1. Prior to establishing an STR, the operator shall obtain an STR permit in accordance with this Zoning Law. Written consent from the property owner shall be required as part of the STR permit application materials.
2. An STR permit shall be required for each individual dwelling unit intended to be used for STR purposes, regardless of building or property configuration. For example, a three-family home where all three dwelling units are proposed to operate as STRs shall require the issuance of three separate STR permits.
3. All STR permits shall be valid for twelve (12) months from the date they are issued. Fees for STR permits are nonrefundable. All STR permits must be renewed by their expiration date each year.
4. An STR permit is not transferable to a new owner. The new owner of an STR property must file a new application in accordance with the terms of this Section if such property is to continue to be used for STR purposes.
5. No STR permit shall be issued for any owners and/or operators that have had a permit revoked for such use within the last 24 months.
6. No STR operation shall be permitted on any property that is in violation of this Zoning Law or the NYS Building Code.
7. STR permits are administrative permits issued by the Town of Catlin Code Enforcement Officer.

**10.35.4** Location and Site Restrictions.

1. STRs are not allowed in Alternative Dwelling Parks as defined in Article 2 of the Town of Catlin Zoning Law.
2. STRs are allowable on all parcels not classified as an Alternative Dwelling Park.
3. Only the principal building on a parcel may be used for an STR operation. Accessory structures are not permitted to be operated as STRs.
4. Only an entire dwelling unit may be operated as an STR. An STR cannot be operated as a bedroom within an otherwise occupied dwelling unit.
5. STRs shall follow the density/bulk control schedule for the dwelling type being converted to an STR (i.e. a single-family home being converted to an STR will follow the density/bulk control schedule for a one-unit dwelling).

**10.35.5** Operation Requirements.

1. Each STR operation shall have a designated 24-hour contact. Such contact shall be an authorized agent of the property owner and/or STR operator and shall be responsible for responding to and remedying issues, complaints, or other conflicts associated with the STR property. The designated individual must be able to be present at the location of the STR within sixty (60) minutes of notification of any issues, complaints, or conflicts during a rental period. The name and contact information of the designated contact shall be posted on the exterior of the structure.
2. Provisions shall be made for garbage and/or recycling removal. Garbage and recycling containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not visible from the street or road except day of pick-up.
3. The property shall not be rented out solely for the purposes of hosting events, weddings, parties, or other large gatherings.
4. The use of outdoor speakers or other audio amplification devices shall not be permitted after 10:00 PM EST.

**10.35.6** Maximum Occupancy.The maximum occupancy shall be not more than 2 persons per bedroom available for rent at the STR.

**10.35.7** Parking Requirements.

1. An STR shall provide off street parking in accordance with Article 10.4.2 (F) of this Zoning Law, based on the number of bedrooms available for rent.
2. Such off-street parking spaces shall conform to the requirements of Article 10.4 of this Zoning Law.

**10.35.8** Design and Construction Standards.There shall be no change in the outside appearance of the building or premises that alters or detracts from the residential character of the structure, where applicable, or the overall character of the neighborhood. If the STR is advertised as being accessible to persons with disabilities, all applicable regulations and requirements must be met.

* + 1. Business Use.STRs are considered business uses under this Zoning Law.

**10.35.10** Safety Standards.All STRs must be in compliance with NYS Building Code, as well as the following:

1. Emergency evacuation procedures posted in each sleeping room.
2. An ABC Fire extinguisher shall be provided on each floor and in the kitchen. Fire extinguishers shall be inspected monthly by the permit holders.
3. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
4. Information regarding emergency contact numbers for the fire department, police department, and ambulance service shall be made available.
	* 1. Insurance and Registration Standards.
5. All applicants and permit holders must provide an “Evidence of Property Insurance” and “Certificate of Liability Insurance” indicating the premises is rated as an STR and maintain such insurance throughout the term of the permit.
6. In addition to the requirements imposed by this Section, all applicants and permit holders must obtain and maintain all governmental permits and licenses necessary to conduct business as an STR. This shall include filing and registering as a business with Chemung County for tax purposes. The Certificate of Authority to Collect Occupancy Tax must be available for review upon request.
	* 1. Application Requirements. Applicants for an STR permit shall submit the following:
7. A list of all the property owners and/or operators of the STR, including names, addresses, telephone numbers, and email addresses. This shall include signatures of all persons and entities with an ownership interest in the property.
8. Written permission for a property inspection by the CEO. This property inspection includes a fire inspection.
9. The maximum occupancy.
10. Written designation of and contact information for the designated contact person or agent in accordance with Subsection 10.35.5.
11. A rental policies document in accordance with Subsection 10.35.12.
12. Proof of registration as a business in Chemung County, including the issued Certificate of Authority to Collect Occupancy Tax.
13. A site plan of the property measuring at least 8 ½“ x 11”, drawn to scale and certified by the applicant. The site plan must include the following:
	1. The location of buildings and required parking.
	2. The location and arrangement of all utilities, rooms including bedrooms, windows, entrances, and exits on each floor of the property including the basement and attic.

**10.35.12** Rental Policies.All applicants and permit holders must provide the following information to renters:

1. Maximum property occupancy.
2. Maximum on-site parking provided.
3. Good Neighbor Statement, to be provided to all renters, that acknowledges:
	1. The STR is in a residential area in the Town and renters should be conscious of the residents in neighboring homes;
	2. Renters must comply with Sound Control Requirements outlined in Section 10.29 of the Town of Catlin Zoning Ordinance.
	3. Renters will be subject to New York Penal Law or any successor statute;
	4. Littering is illegal; and
	5. Indoor and/or outdoor fires must be attended at all times.

**10.35.13 Compliance and Penalties.**

1. Owners and/or operators of STRs shall obey all applicable laws, ordinances, and regulations of the Town of Catlin, Chemung County, New York State, and the United States, and shall be subject to the enforcement and penalty proceedings contained in the Zoning Law.
2. Violations of this Section may be subject to the following:
	1. A fine of up to $1,000.00 per day per violation;
	2. The attachment of reasonable conditions to the existing permit;
	3. The suspension of the permit; and/or
	4. The revocation of the permit.

**10.35.14 Complaints.**

1. Complaints regarding the operation of a short-term rental (STR) shall be made in writing with signature to the Code Enforcement Officer.
2. Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation, and upon finding to their satisfaction that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer. Such notice shall also specify what corrective action is required by the property owner, and the date by which action shall be taken.
3. Notices required by this Section shall be issued by the Code Enforcement Officer either by personal service to the property owner and/or the local manager, if applicable, or by certified mail to the address of the property owner and/or local manager as shown on the permit application.
4. If the landowner does not comply with corrective action by the date given by the Code Enforcement Officer, the Code Enforcement Officer shall refer the violation to the Town Board and/or Town Justice where appropriate for potential further action. The Town of Catlin may initiate procedures to revoke the permit, or the Town of Catlin may begin a criminal action against the property owner or pursue any other relief permitted by law.
5. The Town Board shall determine whether the permit in question shall be revoked. A revocation of a permit requires a public hearing by the Town Board. The revocation of a STR permit may be done in addition to any other penalties permitted by law.
6. Appeals may be made to the Zoning Board of Appeals.
7. Complaints can further lead to a denial of a renewal of a STR permit until the violation is resolved.
8. In an emergency situation where the health, safety, and/or welfare of renters and/or residents of the Town is at risk, the Code Enforcement Officer and Town Supervisor may choose to revoke a STR permit if both are in agreement.

**10.35.15** Cease Operation as STR.If a permitted STR operation ceases operations as a STR, the owner or designated agent of the STR shall notify the Town within thirty (30) days of the cease of operations.

**10.36 Accessory Storage Containers**

**10.36.1** Purpose. The Town has determined that regulation of shipping containers and PODs is appropriate. It is the intention of the Town Board to maintain a clean, wholesome, and attractive community and to guard against the creation of nuisances or conditions that may: endanger the health, safety and welfare of residents; interfere with the use and enjoyment of adjacent properties, and/or interfere with the well-being of the public. The Town Board finds that from time-to-time containers are needed by the citizens of the Town for the various reasons, including but not limited to construction or storage of personal belongings. Nevertheless, the presence of containers can have a negative impact on health, safety and welfare of the citizens of the Town. The purpose of this section is to regulate shipping containers and PODs to protect the public health, safety, and welfare of the residents of the Town.

**10.36.2** Definitions.

* + 1. Accessory Storage Container – a storage container that is an accessory use for which a container permit has been issued. Shipping containers and PODS are considered accessory storage containers
		2. Agricultural Property – property located in an agricultural district, as defined by New York State Agriculture & Markets Law, and being actively farmed or used for agriculture within the last 18 months.
		3. Container Permit – A permit issued by the Code Enforcement Officer authorizing the use of a shipping container, portable storage container, or accessory storage container.
		4. Shipping Container – a standardized reusable vessel, which is usually made of steel, that was: (i) originally designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods or commodities; and/or (ii) originally designed for or capable or being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. “Transport Containers” and “Portable Site Storage Containers” having similar appearance to and similar characteristics of cargo containers, shall be included, in the definition of “Shipping Container”.
		5. Portable Site Storage Container or “POD” – a container, usually made of plastic, used for the temporary storage and/or transport of household of office furnishings and accessories.

**10.36.3** Building Permit Required. Accessory storage containers require a building permit to be issued by the Town of Catlin Code Enforcement Officer regardless of size.

**10.36.4**  Short Term Use. Shipping containers and PODs sited upon a parcel within the Town shall not be subject to these regulations for a period not to exceed sixty (60) days if the shipping container or POD is used for the purposes of moving or temporary storage.

Shipping containers and PODs sited upon a parcel within the Town shall not be subject to these regulations for a period of one-hundred and eighty (180) days during active construction provided a building permit has been issued for a primary structure on the parcel. A 180-day extension to this period may be granted by the Code Enforcement Officer.

**10.36.5**  Accessory Storage Container Standards.

1. A property owner who otherwise complies with all provisions in this Code may apply for and obtain a container permit for long-term use of a shipping container, without site plan review, provided the lot in question is location in the AR, NB, or GB district.
2. Accessory Storage Containers shall not exceed 10 feet in height, and shall be located in the side or rear yard.
3. Accessory Storage Containers shall not be placed or located in the front yard of any lot. For a corner lot, yards adjoining each street shall be considered a “front yard” for purposes of this section.
4. Accessory Storage Containers shall be set back:
	1. At least 20 feet (if no adjoining residential property) from any side or rear lot line;
	2. 50 feet from a side or rear lot line adjacent to a residence or lot in residential use; and
	3. At least 10 feet from the main building (principal use) and any other accessory structures on the lot.
5. Accessory Storage Containers shall have a maximum of 320 square feet of floor area.
6. Accessory Storage Containers shall be painted a uniform color compatible with the principal building and surrounding structures.
7. A firm base surface shall be provided for the Accessory Storage Container capable of sustaining the load of the storage container and its contents.
8. The siting of any Accessory Storage Container shall not be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of water flows.
9. The Accessory Storage Container may not occupy any off-street parking spaces or fire lanes required by the Town of Catlin Zoning Law or state law.

**10.36.6** Application Requirements

1. A detailed plan (handwritten sketch plans are acceptable) showing the proposed location of the accessory storage container, including, but not limited to, property lines and other structures on the property.
2. Details regarding the accessory storage container, including, but not limited to, height, width, length, floor area, and color.
3. The plan shall show the proposed location of the accessory storage container in relation to the property line setbacks.
4. Such other information as the Code Enforcement Officer may require to adequately review an application.
5. Payment of the permit fee, which shall be established by resolution of the Town Board.

**10.36.7** Existing Accessory Storage Containers. If there is an existing accessory storage container legally placed on a parcel, residents are allowed to continue use of that accessory storage container as a non-conforming use for one year from [insert date of adoption of zoning amendment]. After this time period, compliance with these regulations must be demonstrated and a new container permit obtained.