



Department of State
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

5 of the year 20 25

Local Law Title: A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CAZENOVIA BY ADDING A NEW CHAPTER REGULATING SHORT-TERM RENTALS IN THE TOWN OF CAZENOVIA

Five horizontal lines for additional title information.

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

County City Town Village
(Select one:)

of Cazenovia as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: of the year 20

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

**SECTION 1. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2. PURPOSE & INTENT.**

After significant consideration and study, the Town of Cazenovia Town Board has determined that short-term, transient rentals, in some instances, can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town. The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income to Town residents. To address the balancing of the issues of community harmony and the deleterious impacts of such uses (including noise, traffic, parking and other impacts) the Town formed a committee of various stakeholders, including property owners, zoning, planning and other Town Officials to study the potential for regulating these uses. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing such uses under appropriate circumstances.

**SECTION 3. AMENDMENT OF THE CODE OF THE TOWN OF CAZENOVIA TO INCLUDE A NEW CHAPTER 132.**

The Code of the Town of Cazenovia is hereby amended to include a new Chapter 132, titled “Short-Term Rentals,” to read in its entirety as follows:

**“CHAPTER 132  
SHORT-TERM RENTALS**

**§132-1 Definitions.****SHORT-TERM RENTAL**

Any portion of real property rented for compensation in exchange for on-site lodging for a period of 31 consecutive days or less in a permanent residential structure. For the purpose of this Chapter, the term “short-term rental” shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies to the extent that such uses are permitted elsewhere in this Code.

**§132-2 Presumption of dwelling unit as short-term rental property.**

- A. The presence of the following shall create a presumption that all or a part of the property is being used as a short-term rental:
- (1) where all or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 31 days or less; and/or
  - (2) where all or a part of the property 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 Town of Cazenovia Code Enforcement Officer (“Code Enforcement Officer”) that the premises is not operated as a short-term rental.

**§132-3 Required short-term rental special use permit.**

- A. Short-term rentals are a specially permitted use as granted by the Zoning Board of Appeals in all areas and districts of the Town, unless expressly limited, subject to the issuance of a Short-Term Rental Special Use Permit as set forth in and in compliance with the terms of this Chapter.

- B. Owners shall not use their property as a short-term rental without first being registered with Madison County for purposes of occupancy tax registration (subject to applicable New York State law) and obtaining a Short-Term Rental Special Use Permit from the Town of Cazenovia.
- C. A Short-Term Rental Special Use Permit shall be valid for two (2) years and must be renewed 45 days prior to expiration of the current Short-Term Rental Special Use Permit if the premises are to continue to operate as a short-term rental.
- D. The Short-Term Rental Special Use Permit is not transferable to a new owner. The new owner of the premises subject to a Short-Term Rental Special Use Permit must file a new Short-Term Rental Special Use Permit application and be granted a Short-Term Rental Special Use Permit.
- E. 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 and continue to make commitments for short-term rentals but must apply for a Short-Term Rental Special Use Permit within 60 days of this law's effective date for all future short-term rental commitments. In the event such an application is denied, all commitments shall be cancelled.

§132-4 **Short-term rental special use permit application requirements.**

- A. Applications for a Short-Term Rental Special Use Permit may be obtained from the Code Enforcement Officer. Short-Term Rental Special Use Permit applications shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board. The application shall include the following:
  - (1) A list of each property owner and the name of any manager or management agency managing the property, including names, addresses, telephone numbers (24 hours a day, 7 days a week) and email addresses of each.
  - (2) The signatures of all owners or their designated agents.
  - (3) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this Chapter.
  - (4) An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this Chapter, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed short-term rental.
  - (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this Section. The contact person may be an owner, or an agent within 30 minutes driving time from the short-term rental designated by the owner(s) to serve as a contact person and shall respond to any correspondence or concern (written or verbal) from the Code Enforcement Officer within 24 hours. Serious concerns shall be addressed immediately.
  - (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a licensed professional, but must include the following:
    - (a) The location of buildings and required and proposed parking on a recent survey to scale.
    - (b) Basement: location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.

- (c) First floor: all rooms including bedrooms, windows, exits and any heating/cooling units.
  - (d) Second floor: all rooms including bedrooms, windows, exits and any heating/cooling units.
  - (e) Attic (if present): all rooms including bedrooms, windows, exits and any heating/cooling units.
  - (f) Additional items that are deemed necessary by the Issuing Officer/Board.
- (7) A statement that none of the owners of the subject property have had a Short-Term Rental Special Use Permit revoked within the previous year for any rental properties owned individually or together with others at any location.
- B. All completed applications are subject to a floor plan review and approval by the Code Enforcement Officer.
- C. Owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards stated below must petition to the Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals in accordance with the Town Code, Town's Zoning Code and Town Law §276-a, subject to the requirements of the NYS Uniform Fire Prevention and Building Code.

§132-5

**Short-term rental standards.**

A. Property requirements.

- (1) Property must comply and meet all current NYS Uniform Fire Prevention and Building Code provisions, as amended.
- (2) There shall be one (1) working smoke detector in each sleeping room and one (1) additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the current NYS Uniform Fire Prevention and Building Code.
- (3) Evacuation map and procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
- (4) There shall be an ABC fire extinguisher installed per code on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the Short-Term Rental Special Use Permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the Short-Term Rental Special Use Permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
- (5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway in the size required by the NYS Uniform Fire Prevention and Building Code and 911.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process and subsequent inspections. Any defects found shall be corrected prior to Short-Term Rental Special Use Permit issuance. Provide the up-to-date inspection sticker on the panel in the last five (5) years.

- (8) All fireplaces shall comply with all applicable laws and regulations.
  - (9) The property must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan included with the application. Renters shall utilize off road, on-site parking during their stay. A parking plan shall be approved by the Code Enforcement Officer at the time of a permit being issued. There shall be no on-street parking associated with such use. All proposed parking spots shall be cleared with the Code Enforcement Officer. All parking shall be plowed and cleared in the winter.
  - (10) Maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application. The maximum occupancy of any short-term rental unit shall not exceed 12 people, including permanent residents and renters.
  - (11) The waste removal/septic system at the property shall meet all state requirements.
  - (12) In the event that the property has a private septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any short-term rental unit exceed 12 people total. The subject septic system shall be reviewed and approved by the county at the time of application.
  - (13) If a private septic system, same shall have been pumped within the past four (4) years and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be provided to the Code Enforcement Officer. Proof of adequate capacity shall be submitted to the Code Enforcement Officer. Once a Short-Term Rental Special Use Permit is issued, the septic system must be pumped at least once every two (2) years.
  - (14) The water supply to the property shall meet all state requirements.
  - (15) No signage shall be permitted on the premises.
- B. Insurance standards. All applicants and Short-Term Rental Special Use Permit holders must provide “evidence of property insurance” and a “certificate of liability insurance” indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the Short-Term Rental Special Use Permit.
- C. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be always secured with tight-fitting covers to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.
- D. Rental contract. All applicants and Short-Term Rental Special Use Permit holders shall have a rental contract, which includes the following:
- (1) Maximum property occupancy.
  - (2) Maximum on-site parking provided; and acknowledgement on-street parking is prohibited.
  - (3) Good neighbor statement providing:
    - (a) The short-term rental is in a residential area in the Town of Cazenovia and renters must be considerate of the residents in neighboring homes.
    - (b) Guests are required to observe quiet hours from 9:30 p.m. through 7:30 a.m. No events shall be allowed.
    - (c) All renters will be subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct.

- (d) Littering is illegal and failure to dispose of pet waste properly (if applicable) is prohibited.
- (e) Recreational campfires must be attended and not disturbing the neighbors from size or smoke. Bonfires are not permitted. All campfires shall have a maximum flame height of three (3) feet from the base of the fire's origin. Appropriate fire extinguishment means and apparatus shall be on-hand during the fire and all fires must be attended. Fires shall be fully extinguished before leaving.

§132-6 **Procedure upon filing application.**

- A. Short-Term Rental Special Use Permit applications shall be filed with the Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Such applications shall then be forwarded to the Zoning Board of Appeals for consideration for a Special Use Permit per §165-114. Only completed applications will be accepted by the Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
  - (1) Proof of being registered with Madison County (if required by applicable law) for occupancy tax purposes was not provided. Evidence of a completed application for such purposes intended for submission to Madison County may suffice.
  - (2) The application, documentation required by this Section was not included or the full permit fee was not paid.
  - (3) A previously issued Short-Term Rental Special Use Permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.
- B. Upon receipt of a completed Short-Term Rental Special Use Permit application, property owners adjacent to and within 500' of the property boundary of the short-term rental will be notified of the application by the Town of Cazenovia via post card or e-mail. Such notice shall be sent at least 15 days prior to the public hearing scheduled for the application.
- C. Upon the Code Enforcement Officer's notification of the approval of a Short-Term Rental Special Use Permit application, all documents and information required by this Section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to verify that all short-term rental requirements and conditions have been met. Advertisement and marketing of the rental units shall not occur until the application is fully approved.
- D. Upon approval of the Short-Term Rental Special Use Permit application by the Zoning Board of Appeals and inspection of the subject premises by the Code Enforcement Officer, a Short-Term Rental Special Use Permit will be issued. Short-Term Rental Special Use Permits issued pursuant to this Section shall state the following:
  - (1) The names, addresses and phone numbers of each person or entity that has an ownership interest in the short-term rental property.
  - (2) The name, address and phone number of a primary contact person who shall be available during the entire time the short-term rental property is being rented.
  - (3) The maximum occupancy and vehicle limits for the short-term rental property.
  - (4) Identification of the number of and location of parking spaces available.
  - (5) Any conditions imposed by the Zoning Board of Appeals and/or Code Enforcement Officer.

**§132-7 Conformity and display of short-term rental special use permit.**

Short-Term Rental Special Use Permits are subject to continued compliance with the requirements of these regulations.

- A. If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this Chapter, the Code Enforcement Officer may request permission from an owner of the Short-Term Rental Special Use Permit to enter the premises and to conduct an inspection with the property owner (or their agent) of the short-term rental property for purposes of ensuring compliance with this Section. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the Short-Term Rental Special Use Permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the Short-Term Rental Special Use Permit.
- B. The Short-Term Rental Special Use Permit, maximum occupancy limit, maximum parking, contact form with emergency numbers and emergency contact, and standards shall be prominently displayed inside and at the front entrance of the short-term rental.
- C. The Short-Term Rental Special Use Permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the Short-Term Rental Special Use Permit. If, based on such changes, the Code Enforcement Officer issues an amended Short-Term Rental Special Use Permit; the owners must immediately post the amended Short-Term Rental Special Use Permit inside and near the front entrance of the short-term rental.
- D. The Short-Term Rental Special Use Permit holder must conspicuously display the Short-Term Rental Special Use Permit number in all advertisements for the applicable short-term rental.

**§132-8 Compliance.**

- A. Violations of this Section or of any Short-Term Rental Special Use Permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Chapter and other applicable provisions of the Code of the Town of Cazenovia, including the penalty provisions of Chapter 135.
- B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Chapter or of any Short-Term Rental Permit issued pursuant to this Chapter, the Code Enforcement Officer shall promptly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Chapter, the owners and/or contact agent shall be notified in writing by First-Class Mail and Certified Mail/Return Receipt of said violations and the Code Enforcement Officer may take any or all the following actions:
  - (1) Attach conditions to the existing Short-Term Rental Special Use Permit.
  - (2) Suspend the Short-Term Rental Special Use Permit. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk.
  - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the Short-Term Rental Special Use Permit by the Code Enforcement Officer.
  - (4) Issue a court appearance ticket for violation of this Chapter.

- (5) Revoke the Short-Term Rental Special Use Permit. Should a Short-Term Rental Special Use Permit be revoked, all owners of the short-term rental are prohibited from obtaining a Short-Term Rental Special Use Permit on the property for one (1) year after the date of revocation. The Code Enforcement Officer shall send notices of revocation to the property owners, to Madison County and shall file a copy with the Town Clerk.

§132-9      **Application for renewal of short-term rental special use permit.**

Renewal permits will be granted for an additional two (2) year term if the following conditions are met:

- A. Application for renewal of the Short-Term Rental Special Use Permit shall be made at least 45 days prior to expiration of current Short-Term Rental Special Use Permit and requires payment of renewal fee.
- B. At the time of application for renewal, the owner or designated agent shall present the previous Short-Term Rental Special Use Permit along with any proposed changes highlighted.
- C. The property shall have undergone an inspection performed by the Code Enforcement Officer and the Zoning Board of Appeals has renewed the Short-Term Rental Special Use Permit. A public hearing may be waived by the Zoning Board of Appeals.
- D. Any violations shall be remedied prior to renewal of a Short-Term Rental Special Use Permit.

§132-10      **Grounds for suspension or revocation of short-term rental special use permit.**

The Code Enforcement Officer may immediately suspend or revoke a Short-Term Rental Special Use Permit based on any of the following grounds:

- A. Applicant has falsified or failed to provide information in the application for a Short-Term Rental Special Use Permit or the application for Short-Term Rental Special Use Permit renewal.
- B. Applicant has failed to meet or comply with any of the requirements of this Chapter.
- C. The owner is in violation of any provision of the Code of the Town of Cazenovia related to the premises.
- D. The 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.
- E. Any conduct on the premises, which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance.
- F. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

§132-11      **Appeals and hearings.**

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when a property owner's application for a Short-Term Rental Special Use Permit is revoked. A notice of appeal must be filed with the Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the revocation with the Town Clerk. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.

§132-12      **Enforcement, fines and penalties.**

- A. This Chapter may be enforced by the Code Enforcement Officer or any other officer, employee or agent appointed by resolution of the Town Board. For purposes of this Chapter, all such persons are considered a "Code Enforcement Officer". All such Code Enforcement Officers are authorized to issue violation notices and appearance tickets.

- B. Whenever the Town determines that there is a violation of any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the NYS Uniform Fire Prevention and Building Code, or determines that there has been a failure to comply with any provision or requirement related to the registration, reporting, collection, accounting, disclosure or payment of County bed/occupancy taxes, the Town may serve upon the Owner an order, in writing, directing the Owner to remedy and correct the violation within the time specified in the order.
- C. If, after the expiration of 14 business days, the violation has not been remedied and corrected, the Code Enforcement Officer may serve an appearance ticket upon the Owner requiring the Owner to appear before the Town Justice of the Town of Cazenovia at a time to be specified in such notice.
- D. Whenever the Town finds that an emergency condition exists, which condition requires immediate attention in order to protect the health or safety of the public or of any owner or occupant, the Town may issue an order by service of notice in a manner set forth above and reciting the existence of such emergency condition requiring that remedial action be taken immediately. Any person to whom such an order is directed shall comply therewith immediately.
- E. Failure to comply with an order when notice has been provided in accordance with this Chapter shall constitute a separate and distinct violation of this Chapter.
- F. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.
- G. In addition to and not in lieu of any other remedies, any person who violates any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the NYS Uniform Fire Prevention and Building Code, or who violates or fails to comply with any lawful order promulgated hereunder, shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$200 nor more than \$250; for conviction of a second violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$350 and not more than \$500; for conviction of a third violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$750 and not more than \$1,250; for conviction of a fourth violation and for each subsequent violation committed within 12 months of any prior violation, such person shall be subject to a fine in an amount not less than \$2,000 and not more than \$3,000.
- H. A renewal license shall not be issued and no license shall be issued to any other person for the subject premises until all violations for which the Owner has been convicted are remedied and corrected.
- I. Civil penalties and injunction. In addition to and not in lieu of any other remedies, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this Chapter or any order promulgated hereunder. The civil monetary penalties shall be in accordance with and not exceed the monetary penalties set forth above.
- J. Service of Notice of Violation/Order to Remedy or an Appearance Ticket may be served personally on the Owner or it may be sent by First-Class Mail and by Certified Mail/Return Receipt Requested to the Owner's tax bill address for the subject property. Service shall be deemed complete upon personal delivery to the Owner or if sent by mail, seven (7) business days after the Order to Remedy or Appearance Ticket is mailed to Owner."

**SECTION 4. AMENDMENT OF ARTICLE IV (“RURAL A (RA) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Article IV (“Rural A (RA) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-9 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-9 Permitted uses by special use permit.
- O. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

**SECTION 5. AMENDMENT OF ARTICLE V (“RURAL B (RB) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Article V (“Rural B (RB) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-13 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-13 Permitted uses by special use permit.
- Z. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

**SECTION 6. AMENDMENT OF ARTICLE VIII (“AGRICULTURE OVERLAY (AO) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Article VIII (“Agriculture Overlay (AO) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-25 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-25 Permitted uses by special use permit.
- (17) Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

**SECTION 7. AMENDMENT OF ARTICLE IX (“NEW WOODSTOCK HAMLET OVERLAY (NWHO) DISTRICT”) OF CHAPTER 165 (“ZONING”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Article IX (“New Woodstock Hamlet Overlay (NWHO) District”) of Chapter 165 (“Zoning”) of the Code of the Town of Cazenovia is hereby amended by at Section 165-29 (“Permitted uses by special use permit”) by including the following additional subsection:

- “§165-29 Permitted uses by special use permit.
- H. Short-Term Rentals (upon compliance with a Short-Term Rental Special Use Permit under Chapter 132 of the Code)”

**SECTION 8. AMENDMENT OF SECTION 165-69 (“BED-AND-BREAKFAST ESTABLISHMENTS/OWNER-OCCUPIED TRANSIENT OCCUPANCY LODGING”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Section 165-69 (“Bed-and-breakfast establishments/owner-occupied transient occupancy lodging”) of the Code of the Town of Cazenovia is hereby amended to eliminate the terms “owner-occupied transient occupancy lodging” so that said Section shall now read in its entirety as follows:

“§165-69 **Bed-and-breakfast establishments.**

Bed-and-breakfast establishments (hereinafter "bed-and-breakfasts"), shall be allowed as elsewhere provided in this chapter, but in all instances shall only be allowed upon the issuance of a special use permit by the Zoning Board of Appeals and shall be subject to the following additional requirements:

- A. The title owner shall live on the premises of the bed-and-breakfast establishment and shall be physically present on the premises during the nighttime hours (7:30 p.m. to 7:30 a.m.) of said transient occupancy.
- B. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character or appearance of the residential premises.
- C. One attached or detached sign of not more than two square feet in area shall be permitted, subject to the regulations of this chapter.
- D. The maximum number of overnight guests shall not exceed two per bedroom. In no case shall more than a total of six overnight guests be permitted at any bed-and-breakfast establishment.
- E. Breakfast only shall be offered and only to overnight guests, subject to appropriate Health Code and Fire Code regulations.
- F. No events, meetings or other activities for people who are not overnight guests shall be permitted.
- G. Any special use permit granted pursuant to this Section shall be issued on an annual basis with a renewal required for the continued approved use. Applicant(s) shall submit a renewal request at least 60 days prior to the expiration of the current special use permit.
- H. Applicant(s) must demonstrate appropriate available on-premises parking for the proposed bed-and-breakfast use. Parking shall demonstrate one space for each vehicle used by the owner occupant(s) of the premises plus a minimum of one space for each proposed transient occupant. Additional spaces may be required by the Zoning Board of Appeals based upon site characteristics and maximum number of persons permitted to occupy the dwelling unit per the terms of the special use permit issues to the applicant. Parking shall not be permitted on lawns. On-street parking is prohibited.
- I. No recreational vehicles, campers, trailers or motor vehicles larger than a one-ton pick-up truck associated with the bed-and-breakfast use may be parked upon the premises during any bed-and-breakfast occupancy. The number of automobiles and/or light-duty pick-up trucks that may be parked on-site in association with any bed-and-breakfast lodging shall be limited to the number of off-street parking spaces designated on the site plan approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall review all applications in relation to the physical limitations of the subject premises, as well as proximity to adjoining uses in the surrounding neighborhoods in order to determine appropriate parking requirements and occupancy limits.
- J. No bed-and-breakfast lodging facility shall be located above the second floor of any building unless such floor has a fire sprinkler system or has otherwise been constructed in accordance with the requirements of the applicable New York State Code requirements for residential occupancy of such floors.
- K. The operator of the bed-and-breakfast facility shall maintain a register of all guests staying at the facility, their permanent addresses and the date(s) of their stay. This register shall be

immediately made available to the Code Enforcement Officer as part of any investigation of any complaints regarding guest's behavior and/or to determine compliance with the requirements of any special use permit issued.

- L. No person may be the owner operator of more than one bed-and-breakfast facility within the Town of Cazenovia at any one time.
- M. The operator of the bed-and-breakfast facility must at all times be current in the payment of all real property taxes and special assessments and shall be responsible for compliance with all other applicable legal and regulatory requirements, including but not necessarily limited to compliance with New York State Building, Property Maintenance and Safety Codes and registration and collection of state and local sales taxes and county occupancy taxes. When available, applicant(s) shall register to have applicable taxes and fees collected or remitted by any associated internet host platform.
- N. The operator of the bed-and-breakfast facility shall provide to the Town proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than \$1,000,000 in respect to personal injury or death, and in an amount of not less than \$100,000 in response to property damage.
- O. All proposed bed-and-breakfast facilities shall be physically inspected for appropriate physical condition and Code compliance prior to the issuance of a final certificate for the proposed use by the Code Enforcement Office. Such certificate shall be issued on an annual basis.

A special use permit issued pursuant to these regulations may be revoked by the Zoning Board of Appeals upon instances where it has been demonstrated that the operator of said bed-and-breakfast facility has failed to comply with these regulations and/or any conditions set by the Town of Cazenovia Zoning Board of Appeals in its approval of the proposed bed-and-breakfast facility.”

**SECTION 9. AMENDMENT OF SECTION 165-61 (“DEFINITIONS”) OF THE CODE OF THE TOWN OF CAZENOVIA.**

Section 165-61 (“Definitions”) of the Code of the Town of Cazenovia is hereby amended to eliminate the defined term of “Owner-Occupied Transient Occupancy Lodging” in its entirety and to amend the defined term “Bed-and-Breakfast” to now read in its entirety as follows:

**“BED-AND-BREAKFAST**

A specially permitted use occurring in an existing one-family dwelling operated by the permanent resident(s) of the dwelling who are also on-site, present and sleeping overnight within the residence while providing short-term overnight lodging to transient guests, with no meal other than breakfast meals offered to such guests. Such presence by the homeowner shall be continuous during the nighttime hours (7:30 p.m. to 7:30 a.m.) to ensure appropriate oversight of the bed-and-breakfast establishment and guests. A bed-and-breakfast must be the primary residence of the owner(s)/proprietor(s) and comply with the requirements of §165-69. It is the intent of the use of a bed-and-breakfast to maintain the residential character of the primary use of the premises as a dwelling by the titled owner and to limit deleterious impacts such as noise, traffic, excessive parking and other impacts.”

**SECTION 10. AMORTIZATION OF EXISTING USE SHORT-TERM RENTALS.**

The Town Board of the Town of Cazenovia has determined that it is reasonable to allow established legal short-term rentals to be provided with sufficient time to comply with this Chapter. Therefore, a period of 120 days from adoption of this Chapter is hereby established for any existing short-term rental to obtain the Short-Term Rental Special Use Permit to continue as a short-term rental property. No portion of this Section shall be deemed to provide for a right to establish or re-establish a short-term rental on site nor to continue short-term rentals which have not either been previously approved or were lawfully existing. Further, the Town Board has determined that utilization of any property in the Town of Cazenovia prior to the adoption of this Law does not establish a pre-existing legal non-conforming use or business under the Town's Zoning Law or the Code of the Town of Cazenovia.

**SECTION 11. CONFLICT WITH STATE LAWS (SUPERSESSION).**

To the extent that any provisions of this Chapter are inconsistent with any New York State law or provision, including but not limited to the New York State Town Law, Executive Law or similar provisions relating to short-term rentals, the Town Board of the Town of Cazenovia hereby declares its intent to supersede those sections of the Town Law pursuant to its home rule powers under New York Municipal Home Rule Law Article 2, §10 et seq.

**SECTION 12. VALIDITY AND SEVERABILITY.**

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

**SECTION 13 EFFECTIVE DATE.**

This Local Law shall take effect upon filing with the Secretary of State.