

Local Law Filing

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99 Washington Avenue, Albany, NY 12231

(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.

~~County~~
~~City~~ of Yates, Orleans County, New York
~~Town~~
~~Village~~

Local Law No. 7 of the year 2024.

A local law known as: “A Local Law to Enact the Town of Yates Short Term Rental Law”

(Insert Title)

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

~~County~~
~~City~~ of Yates, Orleans County, New York as follows:
~~Town~~
~~Village~~

A Local Law to Enact the Town of Yates Short Term Rental Law

Be it hereby enacted by the Town Board of the Town of Yates, in the County of Orleans, New York, as follows:

The Zoning Regulations of the Town of Yates shall be amended by the following modifications to Section 210, and the promulgation of the new section to be added, Section 706, entitled “Town of Yates Short-term Rental,” which are as follows:

SECTION I LEGISLATIVE INTENT

There exists in the Town of Yates no short-term rental (“STR”) local law, yet there are a number of existing short-term rentals, and there are an increasing number of short-term rental inquiries being made to the Town. The intent of this local law is to grandfather existing short-term rentals and to require them to obtain a special use permit; to address the addition of short-term rentals which may be created in the future; and to require permitting requirements established herein to apply to all future short-term rentals. STRs are a benefit to the Town, its residents, and the general public. However, the

Town holds that STRs can have a negative impact on neighboring residents of STRs if they are not properly licensed and regulated so as to ensure the rights of neighbors are protected. These supplementary regulations are designed to foster STRs and to protect the health, safety and welfare of its citizens and visitors and to minimize adverse impacts to the Town of Yates.

SECTION II – DEFINITIONS

Section 210 of the Zoning Regulations of the Town of Yates, entitled “Definitions,” is hereby amended by the addition of the following defined terms:

SHORT-TERM RENTAL (STR)- A dwelling unit or portion thereof that may or may not be occupied by the owner of record or their immediate family that is offered or provided to a guest by a short-term rental for a fee for less than thirty (30) consecutive nights. They are a form of tourist or transient accommodations that may also include property offered by or booked through online accommodation marketplace platforms (such as Airbnb, Vrbo, etc). Note: For the purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” and “vacation rental” are interchangeable with short-term rentals. This definition specifically excludes bed and breakfasts, hotels, and motels.

SECTION III Town of Yates Short-Term Rental

The Zoning Ordinance of the Town of Yates is hereby amended by the addition of Section 706, entitled “Short-Term Rental.” All owners or operators of preexisting STRs shall submit a special use permit application as per this regulation, and will be required to meet the requirements of this section except paragraphs A, H, & I. The text of Section 706 shall read as follows:

The Planning Board may approve a special use permit for STRs in the Agricultural/Residential, Hamlet, Residential, General Business, Waterfront Development, and Waterfront Residential District provided that the following standards and provisions are maintained:

- A. The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the specific zoning district in which the STR is located.
- B. STRs shall require a special use permit and are subject to all requirements of this section and those of this Zoning Ordinance relative to Special Use Permits and Procedures.
- C. STRs shall be either owner occupied or managed by the owner.
- D. The building proposed for occupancy as an STR shall contain no more than four bedrooms for hire.
- E. No more than two (2) persons are allowed to occupy each bedroom.
- F. No STR guest shall stay on one visit for more than thirty (30) consecutive days.

G. The STR shall not be altered in a manner which would cause the premises to differ from its residential character.

H. No STR shall be permitted where access is provided by a shared driveway or a shared private lane.

I. Off-street parking shall be provided as follows:

1. At least two spaces shall be provided STR guests.

2. No such parking space shall be located in the front yard area, outside of an approved driveway, and each space shall be not less 10 feet by 20 feet in size.

3. No recreational vehicles, campers, trailers, or motor vehicles larger than a pickup truck of one-ton payload capacity other than trailers for boats or jet skis to be launched at nearby ramps, may be parked on the premises during any transient accommodation. Automobiles, pickup truck of one-ton payload capacity, and/or boat and jet ski trailers in association with any transient accommodation may be parked on site in designated off-street parking areas.

4. No vehicles shall be parked on lawns or in other areas not specifically approved as parking areas under the provisions of this ordinance.

J. The dwelling may display one (1) sign not to exceed four (4) square feet in size and shall be set back from the street right-of-way line a minimum of 10 feet.

K. The Planning Board shall specify the minimum amount and location of landscaping and buffer screening to ensure that the use does not create a nuisance for adjoining property owners.

L. Subleasing or subletting of units for short- term rental is prohibited.

M. The structure proposed for use as a STR shall meet the requirements of the NYS Uniform Fire Prevention and Building Code. The permit application must include a drawing of the building floor plan and the designated parking areas and setbacks from property lines and roads.

N. Each rental unit in a STR shall maintain working smoke and carbon monoxide detectors that meet the requirements of the NYS Uniform Fire Prevention and Building Code.

O. Each rental unit in a STR shall have clearly defined fire and emergency exit routes posted.

P. During the short-term rental the owner, his agent, or a local responsible person designated by the owner shall be available at all times to respond in person no later than 30 minutes of

acknowledging complaints regarding the condition, operation, or conduct of the occupants of the STR.

Q. The STR to be utilized by guests shall not be permitted in any accessory structure, sheds or similar structures, basements, attics, sunrooms, porches or garages.

R. Owners/operators of STRs 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 STR premises in amounts and with limits as determined and set by the Town Board, by resolution, from time to time.

S. The owner of the rental unit shall conspicuously post contact information for the owner, agent, or contact person as well as any specific rules pertaining to the occupancy.

T. The Code Enforcement Officer (CEO) shall be authorized, after inspecting an STR for compliance with the requirements of the NYS Uniform Fire Prevention and Building Code and payment of the appropriate fees, to issue a Special Use Permit to the owner (s) of the STR upon approval of same by the Planning Board.

U. Duration of permit. A Special Use Permit for the STR shall be valid for two (2) years.

V. Expiration of existing Special Use Permit. Within 90 days of the expiration of an existing permit, the owner of an STR desiring to renew said Special Use Permit, shall file an application for renewal with the CEO.

W. Any STR which has not operated as such for a period of 12 months or longer must reapply for a new special use permit.

X. STRs shall have quiet hour restrictions between 10:00 pm and 8:00 am.

Y. The yearly fee for the permit shall be set by the Town Board by resolution from time to time.

SECTION IV

1. This local law shall take effect immediately upon filing in the Office of the Secretary of State.
2. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
3. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2024, of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Yates, New York was duly passed by the Town Board on _____, 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 Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ _____ was duly passed by the _____ on _____ 20____, and was (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 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 _____ (Name of Legislative Body) on _____ 20__, and was (approved) ~~(not disapproved)~~ ~~(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.

*** 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 chairman 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 of 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.

(SEAL)

Michele L. Harling
Town Clerk, Town of Yates
Date:

(Certification to be executed by County Attorney, Corporation of Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Attorney for the Town of Yates
Date: