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Town of Durham
Short-term Rental Ordinance
[Proposed]

Article 1. Purpose

- A. The purpose of this ordinance is to regulate short-term rentals in the Town of Durham. By enacting this Ordinance, the Town will be able to monitor short-term rental listings in Durham and ensure compliance with Town and State rules, regulations and laws that apply.
- B. This ordinance is adopted pursuant to General Statutes §7-148(b) and §7-148(c)(7).

Article 2. Definitions

- A. Occupant: Any person(s), and their guests, who have entered into an agreement with a property owner for the use of the short-term rental.
- B. Owner: Any person(s) who holds the legal right to the property or beneficiary of life estate and uses the property as their legal residence.
- C. Owner's Agent: Any person who is 18 years or older and has been identified by a property Owner as a local contact. The Owner's Agent is authorized to act for an Owner who cannot be reached, in a reasonable amount of time, through all means of contact identified on their Short-Term Rental License.
- D. Primary Residence: An owner who spends at least 183 days at their property is defined as a primary resident.
- E. Short-Term Rental: Any furnished living space rented by a person(s) for a period of one (1) to twenty-one (21) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area.
- F. Sleeping Area: A sleeping area is defined as a separate space, with a bed provided that the guest(s) of a short-term rental have access to. This area must be inside the dwelling and cannot include tents, outdoor areas, and/or recreational vehicles.
- G. Authorized Enforcement Agency: Employees or designees of the town as designated by the First Selectman to enforce this ordinance.
- H. Event: A gathering of persons that are occupants of the short-term rental and others that are not guests/occupants. Occasions such as weddings, graduation parties, or other gatherings of people would be considered as an event. Events can be either indoor or outdoor for purposes of this regulation.

Article 3. Permit and License Required

- A. No one shall offer to rent or operate a short-term rental in the Town of Durham without a valid short-term rental Zoning permit approved by the Town Planner and a license issued in accordance with this ordinance. Failure to secure a permit and license shall be a violation of the Zoning Regulations and this ordinance and subject to fines and enforcement as defined.

- B. Only the owner(s) of record of the Premises are subject to the permit and license. Applicant must be eighteen (18) years of age or older to apply for and obtain a Zoning Permit and License for the short-term rental.

Article 4. Application Process for a Short-Term Rental License

A. Application Process

- 1. An application form as issued by the Planning and Land Use Department must be completed.
- 2. All information entered on the form must be true and accurate to the applicant’s knowledge and belief.
- 3. The application shall include but not be limited to the following:
 - i. A list of all owners(s) and primary residents of the property, and their contact information.
 - ii. Contact information for an Owner’s Agent who can be called on in emergency situations if property owner is not responsive.
 - iii. The number of separate sleeping spaces made available to guest(s) of the short-term rental.
 - iv. A signed affidavit attesting to the fact that the Property is in compliance with health and safety rules, zoning and the building and fire safety codes and allowing Town officials the right to perform inspections, both externally and internally, of a short-term rental property when safety violations are suspected.
- 4. A new application fee of (\$XXX) shall be collected upon the submission of the completed license application.
- 5. The Town Planner, or his/her designee, shall approve or deny any application for a short-term rental in the Town of Durham.
- 6. An initial safety inspection must be completed by the Building Official before a license may be issued.
- 7. An application must be fully complete when being submitted to the Planning and Land Use Department. The Town will not accept incomplete applications.

Article 5. Limit to Amount of Rentals

- A. No owner may rent the property as a short-term rental under the license for more than one hundred and eighty (180) days during anyone-year period of their short- term rental License.

Article 6. Parking Requirements

- A. The applicant shall provide a parking plan to demonstrate that adequate off street and permanently maintained parking has been provided.
- B. No on-street parking is allowed.

Article 7. Neighbor Notification

- A. Within five (5) days after the date of receipt of the application for an initial license, the applicant shall submit, as part of the application, the name(s) and address(es) of the owner(s) of record of all property abutting or within one hundred (100) feet of the subject property.
- B. Notice of the license shall be mailed by the applicant to the owner(s) of record of all property within one hundred (100) feet of the subject property not more than ten (10) days after

application is filed. The applicant shall provide copies of completed certificate of mailings to Planning Department staff for issuance of license.

- C. Applications for license renewals are not required to notify abutting property owner(s) as outlined above.

Article 8. Floorplan

- A. The application shall provide a layout/floorplan of the structure or portion thereof to be utilized for the Short-term rental to demonstrate total occupancy.
- B. No room which does not meet the minimum standards of the CT Building Code may be designated as a bedroom.
- C. No area indicated on the floorplan shall be utilized as a bedroom so as to exceed the number of bedrooms per the septic system design, as approved by. approved by the Director of Health or his authorized agent

Article 9. Operation Plan

- A. The applicant shall certify that each floor of the structure has operable smoke and carbon monoxide detectors.
- B. The applicant shall provide the information for a primary point of contact for the property. Such person must have the authority to take immediate remedial actions to address any issues which may arise on the property, 24 hours a day, 7 days a week.
- C. The applicant shall indicate the nature of the proposed use. For the purpose of this section, it is understood that Short Term Rentals are intended to provide temporary housing for a short duration and shall not include Events such as,
 - 1. Receptions for Weddings or other large gatherings
 - 2. Banquets, fundraisers, or any other event sponsored by an agency, business, or non-profit.
 - 3. Concerts
 - 4. Parties, which create a perceptible off-site impact to other properties including but not limited to loud Noise, trespass, garage/trash accumulation etc.

Article 10. Accessory Dwellings

- A. Accessory dwellings, as defined by the Town of Durham's Zoning Regulations, either attached or unattached, are permitted to be used as short-term rentals provided that:
 - 1. They meet the same standards set forth in this ordinance as a traditional single-family house.
 - 2. They have at least 1 full bathroom.
 - 3. They have proper, functioning heating and cooling.
 - 4. The unit has received a certificate of zoning compliance from the Planning Department.

Article 11. Expiration and Renewal Process of License

- A. Expiration
 - 1. All short-term rental licenses are valid for one year from date issued.
 - 2. Licenses become invalid at 11:59 PM on the listed expiration date of the short-term rental license.
- B. Renewal Process

1. An application for renewal of a short-term rental license must be submitted to the Planning and Land Use Department at least one (1) month but no more than three (3) months before the expiration date of the current license
2. Applicants must submit the following forms when applying for a renewal:
 - a. The previously approved license.
 - b. An updated application if any requested information has changed in the past year.
 - c. A renewal fee of (\$xxx).
 - d. Copies of sales tax receipts from the previous rental period.
3. The Town Planner, or his/her designee, may authorize a renewal inspection of the property before granting a renewed license. The Town Planner, or his/her designee, may reject an application for renewal.
4. A renewal license may only be applied for if the owner holds a valid short-term rental zoning permit and license in the previous year that was not revoked by staff. Renewals may be applied for up to 30 days before they expire.

Article 12. Non-transferability

A short-term rental license is not transferable to another owner or property.

Article 13. General Standards

A. Maximum Occupancy

1. The maximum occupancy for a short-term rental unit shall be two persons per each bedroom in the unit.

B. Safety: a short-term rental property must include:

1. Working smoke and Carbon Monoxide detectors with placement following town/State building codes.
2. A working fire extinguisher shall be located in the dwelling at all times when the property is being used as a short-term rental.
3. A clear path of egress is always visible while the property is available for rent.
4. Properly functioning windows and doors in all livable spaces of the dwelling.
5. Sleeping accommodations in accordance with the state building code.
6. Demonstrate compliance with the Town Zoning Regulations, health and safety codes that may apply as determined by the Health Department, the State Building Code, and the State Fire Safety Code.

C. Conduct

1. Short-term rental guests are subject to all relevant town codes and ordinances. It is up to short-term rental owners to notify their guests of any applicable codes and ordinances and to ensure that they are followed.
2. No guest may spend the night sleeping outdoors.
3. Signage advertising the property as a short-term rental is prohibited.

Article 14. Enforcement

- A. The authorized enforcement agency, as defined in Section II, has the authority to determine if a violation has occurred and to issue citations to correct any violation found to exist.
- B. Operating a short-term rental without a valid short-term rental license as well as using a property as a short-term rental for anything other than the allowed uses stated earlier in this document shall be a violation of this ordinance.

- C. The Authorized Enforcement Agency has the authority to suspend a short-term rental license until the owner comes into compliance.
 - 1. The Authorized Enforcement Agency or his/her designee, shall give the owner up to thirty (30) days to correct the violations.
 - 2. This suspension will not delay the expiration of an owner's short-term rental license.
- D. The Authorized Enforcement Agency, or his/her designee shall have the authority to immediately suspend a short-term rental license if safety violations are present.
- E. Violations of this ordinance can be assessed fines of up to \$XXXX in accordance with Chapter 1, Section 1-12 of the Town of Durham Ordinances.

Article 15. Revocation Procedure

- A. If any violations found by the authorized enforcement agency do not get corrected in the allowed timeframe, the Town Planner may revoke an owner's short-term rental license
- B. If an owner has their short-term rental license revoked a new license may not be granted to that property for 12 months.

Article 16. Appeals

- A. License Appeals. An appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the written decision. For this purpose, notice shall be deemed received three (3) calendar days from the date of the written decision. Hearing on the appeal before the Hearing Officer shall take place at its next meeting, but not to exceed fifteen (15) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final. Denial of a License Application or of a renewal application is not appealable
- B. Citation Appeals. Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office.
- C. Hearing on the appeal before the Hearing Officer shall take place in accordance with Chapter 1, Section 1-12 of the Town of Durham Ordinances.
- D. The decision of the Hearing Officer may be appealed to Superior Court in accordance with Chapter 1, Section 1- 12 of the Town of Durham Ordinances.

Effective Date

Ordinance shall become effective on the date on which a notice of the ordinance has been published in a newspaper having a general circulation in the Town of Durham.