

**TOWN OF GRAND ISLAND, NEW YORK**  
**Local Law Intro No. 7 of 2016**  
**Local Law No. \_\_\_ of 2016**

**A Local Law Amending the Town Code of the Town of Grand Island To Allow  
for the Continuation of Certain Lawful Non-Conforming Uses**

**Be it hereby enacted by the Town Board of the Town of Grand Island as follows:**

**Section 1:** Section 407-105 of the Town of Grand Island Code is hereby amended by deleting subdivision D in its entirety and replacing it as follows:

- D. Notwithstanding any other provision of law to the contrary, Tourist Homes, Transient Rentals, and/or Short-Term Rentals existing as a nonconforming use as of October 15, 2016 are hereby permitted to continue as pre-existing, lawful non-conforming uses subject to the requirements set forth in Chapter 407 and Chapter 351 of the Town of Grand Island Code.

**Section 2:** Section 351-3 of the Town of Grand Island Code is hereby amended to revise the definition of "Tourist Home" to read in its entirety as follows:

**TOURIST HOME**

A structure typically used as a residence which provides overnight accommodations to tourists or transients, including non-owner-occupied rental of single-family or multifamily dwellings, for a period of less than 30 continuous days. This definition includes Transient Rentals or Short-Term Rentals as defined in Section 407-10.

**Section 3:** Section 351-4 of the Town of Grand Island Code is hereby amended to read in its entirety as follows:

§ 351-4 License required.

- A. Tourist Homes. No person, firm, or corporation shall own or operate a Tourist Home within the Town of Grand Island without obtaining a license therefor as hereinafter provided. No person, firm, or corporation being the owner or lessee of any land within the Town of Grand Island shall permit the use of said land for a Tourist Home unless a license therefor is obtained as hereinafter provided. Applications for licenses for Tourist Homes are governed by Section 351-5A.
- B. Bed-and-Breakfasts. No person, firm, or corporation shall own or operate a bed-and-breakfast as defined by this chapter and Chapter 407 within the Town of Grand Island without obtaining a license therefor as hereinafter provided. No person, firm, or corporation being the owner or lessee of any land within the Town of Grand Island shall permit the use of said land for a bed-and-breakfast unless a license therefor is obtained as hereinafter provided. Applications for licenses for Bed-and-Breakfasts are governed by Section 351-5.

- C. Motels. No person, firm, or corporation shall own or operate a motel as defined by this chapter within the Town of Grand Island without obtaining a license therefor as hereinafter provided. No person, firm, or corporation being the owner or lessee of any land within the Town of Grand Island shall permit the use of said land for a motel unless a license therefor is obtained as hereinafter provided. Applications for licenses for Motels are governed by Section 351-5.

**Section 4:** The title for Section 351-5 of the Town of Grand Island Code is hereby amended to read in its entirety as follows:

§ 351-5 Licenses and fees for bed-and-breakfasts and motels.

**Section 5:** The Town of Grand Island Code is hereby amended to add Section 351-5A to read in its entirety as follows:

§ 351-5A Licenses and fees for Tourist Homes.

- A. Application for license. Applicants for a license shall submit, on an annual basis, an application for such license. The application shall be on a form required by the Town and shall demonstrate compliance with this chapter, Chapter 407, Zoning, and any other regulatory requirement. In addition to any other information required by the Town on the application form, the application shall include:
1. The name, address, telephone number, and e-mail address of the owner(s) of record of the premises for which a license is sought. If such owner is not a natural person, the application shall identify all owners, partners, members, officers, and directors of any such entity, including personal contact information.
  2. The address of the premises to be used as a Tourist Home.
  3. The name, address, telephone number, and e-mail address of any licensee, or as applicable, rental agent or manager, which shall include twenty-four hour contact information for such individual.
  4. The number and location of parking spaces allotted to the premises.
  5. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
    - (a) The occupant(s)' agreement to abide by all of the requirements of this chapter, and any other requirements of the Town of Grand Island Code.
    - (b) The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the Town's noise ordinance.

6. Proof to demonstrate continuous operation as a lawful non-conforming use within the 12-month period preceding the date of enactment of Local Law No. 9 of 2015, *e.g.*, tax records, lease agreements, etc.
  7. Proof of the owner's current ownership or other property interest in the premises.
- B. Fees. The applicant shall, at the time of application, pay to the Town Clerk a non-refundable application fee in the amount set forth in the schedule of fees adopted by the Town Board by resolution and filed in the office of the Town Clerk.
- C. Processing of the application. The application, when presented to the Town Clerk, shall be immediately referred to the Code Enforcement Officer, whose duty it shall be to make such inspections as are appropriate and otherwise enforce the provisions of this chapter. It shall then be referred to the Tourist Home Oversight Committee for a recommendation to the Town Board. The determination to approve or deny an application for a license shall be made by the Town Board, following a public hearing upon notice to the public. In rendering its determination to issue a license, the Town Board shall consider the following:
1. Compliance with any and all provisions of the Town of Grand Island Code.
  2. Whether the activity permitted by the license will negatively impact the health, safety, and welfare of the community.
  3. Impacts to the nearby properties and proposals to mitigate any such impacts such as screening.
  4. The suitability of the location for Tourist Homes.
  5. Any other factor the Town Board deems appropriate and rational.

The approval or rejection of such application by the Town Board shall be in writing, and the rejection thereof shall state briefly the reasons for such rejection.

- D. Issuance and duration. Upon approval of the application by the Town Board, the Town Clerk shall issue a license, which shall be effective for one year from the date of issuance.
- E. Periodic Inspection. Tourist Homes shall be subject to periodic inspection by the Town's code enforcement officials. Inspections will be conducted as determined by the Town but not less frequently than semi-annually.

**Section 6:** The Town of Grand Island Code is hereby amended to add subsection C to Section 351-6 to read in its entirety as follows:

- C. Performance standards applicable to Tourist Homes.

1. Maximum overnight occupancy. Maximum overnight occupancy shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons.
2. Maximum number of guestrooms. Maximum number of guestroom or sleeping rooms per Tourist Home is (5) five.
3. Maximum number of guests and visitors. The maximum number of total guests and visitors allowed at any time in a single Tourist Home unit shall not exceed six (6) additional persons per property. Notwithstanding, maximum guest limits may be exceeded by special permission of the Town Board, following a recommendation by the Tourist Home Oversight Committee.
4. Prohibition on segregating the property for multiple rentals. For single-family dwellings, only the residence and legally established guest house meeting current standards shall be used as a vacation rental. The entirety of the property must be rented together. Outbuildings, guesthouses, or other accessory structures shall not be leased, subleased, rented, or sub rented separately from the main dwelling. Multi-family dwellings may be rented separately by unit. For all Tourist Homes, tents, yurts, and recreational vehicles (including Travel Trailers/ Motor Homes as defined in Section 348-3 of this Code) are not permitted to be used as sleeping quarters.
5. Required on-site parking. Parking must be adequate as to keep vehicles within the limits of the vacation property on paved surfaces. On-street parking may be considered where there is no driveway, provided that such parking is in keeping with the neighborhood and does not infringe on any neighboring property.
6. Noise limits. The noise limitations set forth in Chapter 230 are applicable except that Tourist Home operations shall adhere to quiet hours from 10:00 p.m. to 9:00 a.m., and thus, the limitations on noise specified in Section 230-3 of the Town Code shall be applicable except that as applied to Tourist Homes, Table 2 of Section 230-3 shall be modified to reflect “Nighttime” hours as running from 10:00 p.m. to 9:00 a.m. and “Daytime” hours shall run from 9:00 a.m. through 10:00 p.m.
7. Pets. Pets shall be secured on the property at all times and shall be prevented from creating a nuisance, such as continual noise or other behavior, including barking, in a manner otherwise prohibited in the Town Code.

8. Trash and recycling facilities. Recycling and refuse storage bins and bags shall not be stored within public view in compliance with neighborhood standards.
9. Licensee current contact information required. The landlord, managing agent or other responsible person's current contact information, with a direct phone line, including 24-hour contact information, shall be required to be submitted to the Town and available in an online database which shall be published with such information. Such contact shall be available and responsible to immediately address compliance issues that may arise under this Chapter.
10. Registration records. The licensee must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, and dates of accommodation. The licensee must record the following with regard to each vehicle in which a guest or occupant arrives: the name of the vehicle owner, the state in which the vehicle is registered, and the car license number and make. The registration records shall be kept on file by the Licensee and available for inspection by the Town Code Enforcement Officer for three years.
11. An evacuation diagram shall be posted at a conspicuous place on the inside entrance door, identifying all means of egress.
12. A licensee, or his or her rental agent or manager, shall personally greet guests and deliver keys in person.
13. Posting of standards. The owner shall post these standards in a prominent place within the Tourist Home and include them as part of all rental agreements. All advertising handouts, flyers, or any other information provided shall conform to the approved occupancy limits and standards as stated on the vacation rental permit.
14. Fires. A campfire or other outdoor open fire is prohibited.
15. No property shall be used as a Tourist Home except in conformance with the Uniform Fire Prevention and Building Code, as evidenced by a certificate of occupancy permitting such use.

D. Violations. Violations of this chapter shall be punishable by fine of up to \$1,500 and up to fifteen (15) days in jail or both. In addition, the Town Board shall have the right, upon notice to a licensee, to suspend or revoke a license.

**Section 7:** The Town of Grand Island Code is hereby amended to add Section 351-6A, Tourist Home Oversight Committee, to read in its entirety as follows:

**§ 351-6A Tourist Home Oversight Committee**

A. Establishment of the Committee. The Town Board hereby creates an advisory board that shall be known as the “Tourist Home Oversight Committee,” hereinafter in this section called the “Committee.”

B. The Committee shall consist of five (5) members, who shall be appointed by the Town Board for terms not to exceed five (5) years. The initial members shall be appointed, as shall be determined by the Town Board by resolution, so the first five (5) members’ terms are staggered. One member shall be a Tourist Home owner. One member shall be a neighbor living near a Tourist Home. Three members shall consist of residents of the Town owning neither a Tourist Home nor living near one. In addition to these five (5) members, there shall be two *ad hoc* members of the Committee that attend meetings, but have no voting authority. One *ad hoc* member will be a Town staff member from the Building/Zoning Department. One *ad hoc* member shall be a member of the Town Board.

C. Powers and duties. The powers and duties of the Committee shall be to:

1. Review individual permit applications and make recommendations to the Town Board.
2. Review and provide recommendations to the Town Board on performance standards and the criteria for permit applications.
3. Make recommendations to the Town Board for action.
4. The Committee must meet monthly or as needed to address individual permit applications. The Board must also meet annually to review the regulations pertaining to Tourist Homes and to make recommendations to the Town Board.

**Section 8.** Section 351-9 of the Town of Grand Island Code is amended to read in its entirety as follows:

§ 351-9. Renewal of license. A renewal of a license must be submitted no later than one month before expiration and must be made following the procedures set forth in §§ 351-5 and 351-5A, including the payment of the application fee.

**Section 9. Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Grand Island hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**Section 10. Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.