

Ordinance 2021-2

AN ORDINANCE CREATING A LICENSING PROCEDURE FOR SHORT-TERM RENTAL PROPERTIES IN THE TOWN OF BOZRAH, CONNECTICUT

Now therefore be it ORDAINED by the electors of the Town of Bozrah at a duly warned Town Meeting and Referendum concluding on 28 May 2021 the Town of Bozrah hereby enacts the following Ordinance:

Section 1 – Purpose.

It is the intent of this Ordinance to accommodate the desire of certain property owners in the Town of Bozrah, Connecticut to rent all or a portion of a residential dwelling or detached structure on a short-term basis and to establish appropriate requirements to mitigate the disruption that short-term rental of these spaces may have on a neighborhood.

This ordinance is not intended to regulate residential property rentals that occur on a longer basis, for the purpose of providing a primary residence.

Section 2 – Definitions.

For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed herein.

“Dwelling Unit” – Any single domicile providing complete, independent living facilities for one or more persons, including bathing and sanitary facilities, and provisions for living, cooking, and sleeping.

“Hosted Rental” – A Short-term Rental that is the primary residence of its owner, said owner of the property being evidenced by the records of the Tax Assessor. The owner of the Hosted Rental will be present at a time when it is rented. A property that is owned by a company or corporation will have a designated representative (owner) specified in the permit when issued, which designated representative will be present at a time when it is rented.

“Off-street Parking Area” – An area located on the property of a Short-term Rental designed and used for the temporary parking of motor vehicles, including all-weather surfaced off-street parking areas, garages, or private driveways.

“Short-term Rental” – A dwelling unit or portion thereof, or all or a portion of an accessory structure on a residential lot that contains sleeping quarters but does not meet the definition of dwelling unit, that is rented for compensation, direct or indirect, in currency or in kind, to occupants for a term of twenty-one (21) or fewer days at a time, with no consecutive rental agreements allowed with the same tenants. For the purposes

of this Ordinance, Short-term Rentals do not include Bed & Breakfasts, Hotels, or Motels as defined by, and in compliance with, the Zoning Regulations of the Town of Bozrah.

“Short-term Rental Enforcement Official” – The First Selectman and/or an employee appointed by the Board of Selectmen for an indefinite term, authorized to administer and enforce this Ordinance. The Short-term Rental Enforcement Official may issue or rescind licenses, undertake enforcement proceedings, issue fines, and undertake any other task necessary to carry out this Ordinance.

Section 3 – Permit Requirements for Short-term Rentals.

A. Permit Required. Any individual, partnership, or business entity owning residential property in the Town of Bozrah that is a Hosted Rental and wishing to use all or a portion of the Hosted Rental property as a Short-term Rental must first obtain a permit from the Short-term Rental Enforcement Official. All current Short-term Rentals must apply for a permit within fifteen (15) days of the effective date of this Ordinance or otherwise cease all rentals at their property until a permit is obtained. No more than one permit for a Short-term Rental may be held by the same individual, partnership, or entity at one time, regardless of the number of properties held by that individual, partnership, or entity in the Town of Bozrah. A permit shall apply to the owner of a property and not to the property itself. A permit is valid for one (1) year and is not transferrable.

B. Permit Application Requirements. An application for a Short-term Rental permit shall contain sufficient information to allow the Short-term Rental Enforcement Officer to judge its consistency with requirements of this section. Minimum permit application requirements are as follows:

1. Completed and signed Short-term Rental permit application form. Applicants are required to respond to all inquiries in a form created to carry out the application process.
2. Paid permit fee. The fee for a Short-term Rental permit application shall be \$200.
3. Proof of insurance. The property owner shall maintain an up-to-date certificate of insurance documenting that insurance policy for the property covers its use as a Short-term Rental. A copy of the certificate of insurance shall be provided.
4. Fire & Building. The proposed Short-term Rental shall have smoke detectors and carbon monoxide detectors inspected by the Fire Marshall. Proof of inspection and adequacy of smoke and carbon monoxide detectors shall be submitted.
5. Health. The proposed Short-term Rental shall test its water supply for potability using a lab certified in the State of Connecticut. Test results affirming the water supply’s potability shall be submitted yearly for rentals utilizing well supplied water.
6. Information Packet. (See Section 4.B).

Section 4 – Requirements, Conditions, and Required Conduct for all Short-term Rentals.

A. Points of Contact.

1. Primary Point of Contact. The owner of a Short-term Rental will be the Primary Point of Contact. A property that is owned by a company or corporation will have a designated representative (owner) specified in the permit when issued. The designated Primary Point of Contact will be expected to take immediate remedial action to address issues arising at a Short-term Rental.

B. Information Packet. An Information Packet shall be prepared and submitted as part of an application package. The Information Packet shall be available to renters of a Short-term Rental. The Information Packet shall consist of:

1. Maximum allowed occupancy (see Section 4.C).
2. Noise and use restrictions.
3. Location(s) of off-street parking area(s).
4. Location(s) of trash receptacles.
5. Primary Point of Contact and Alternative Point of Contact information.
6. Explanation of the renters' responsibility not to trespass on adjoining private property.
7. Explanation of the renters' responsibility not to create a disturbance perceptible off-property.
8. Notification of the renters' responsibility to comply with this ordinance.

C. Occupancy Limit. The maximum occupancy shall be prescribed at the time of application by the Short-term Rental Enforcement Officer. The maximum occupancy of the Short-term Rental shall be either all members of the immediate family (children and parents only) of the person renting the Short-term Rental or 5 unrelated persons, including the owner or Primary Point of Contact, unless further restricted by the fire code, or the Short-term Rental Enforcement Officer based on the nature of the Short-term Rental. Children under the age of three (3) years do not count toward the occupancy limit.

D. Restrictions on Use. Short-term Rentals are meant to provide temporary lodging in a residential setting. Short-term Rentals may not be used for any of the following purposes:

1. Receptions for weddings or other gatherings and/or receptions.
2. Banquets, fundraisers, or events sponsored by a business or other agency, such as corporate retreats.
3. Concerts.
4. Parties, including but not limited to bachelor/bachelorette parties and reunions, which create a perceptible off-site impact to other properties. Such off-site impact includes loud noise, trespass, or lewd behavior.

E. Parking. Guests of a Short-term Rental shall not park on the public street and shall only park within any off-street parking area servicing the Short-term Rental property.

F. Nuisances. Disruptive noise is not allowed. It is the intent of this ordinance to allow Short-term Rentals to occur in a manner consistent with the quiet nature of the Town of Bozrah's residential areas.

G. Compliance with Other Ordinances and Regulations. Properties used as a Short-term Rental shall be in good standing with all other town ordinances and regulations, including the Zoning Regulations.

H. Inspection. A Short-term Rental is subject to inspection by the Short-term Rental Enforcement Officer, with a minimum twenty-four (24) hour notice to the owner of the Short-term Rental. Such inspections may be made to determine compliance with this Ordinance.

Section 5 – Administration.

A. Permit Application Process. An application for a Short-term Rental permit must be made by the owner(s) of the property as evidenced by the records of the Tax Assessor.

1. Review by the Short-term Rental Enforcement Officer. The Short-term Rental Enforcement Officer shall review all permit applications received, including all supporting documentation required by this Ordinance, and render a decision on the application within fifteen (15) days of date the application is filed at the Bozrah Town Hall.

2. Application Approval. A permit application may only be approved if it meets the requirements of this Ordinance. The Short-term Rental Enforcement Officer may request additional information from the applicant if such information is needed to determine the permit application's consistency with this Ordinance. After a permit is issued by the Short-term Rental Enforcement Officer, a Short-term Rental shall remain in compliance with the terms of this ordinance.

3. Application Denial. A permit application may be denied on the following grounds:

- a. Insufficient information is received within the fifteen- (15) day decision period. Such denial shall be without prejudice and an applicant may re-apply for a permit with additional information requested by the Short-term Rental Enforcement Officer.
- b. The proposed Short-term Rental does not meet one or more requirements of this Ordinance, including the requirement that each rental be a Hosted rental.
- c. The applicant is delinquent on property taxes for the subject property.
- d. The subject property has outstanding zoning, wetlands, health code, building code, or fire code violations.

B. Violations. The Short-term Rental Enforcement Officer is charged with enforcing this ordinance. The Short-term Rental Enforcement Officer may revoke a permit for a Short-term Rental found to be in violation of the provisions of this Ordinance. The Short-term Rental Enforcement Officer may commence legal action and/or issue fines in order to remediate a violation of this Ordinance. Additionally, any person who violates any provision of this ordinance may receive a citation and be fined Two Hundred Fifty (\$250.00) Dollars. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.

C. Operating without a Permit. A Short-term Rental in operation without a permit is unlawful and found to be in violation of this Ordinance.

D. Severability. If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

E. Conflict. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall take effect Fifteen (15) days after publication in accordance with the Connecticut General Statutes

Dated at Bozrah, Connecticut this _____

Town Clerk