

Local Law Filing

(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 Town Village
(Select one.)

of Porter

Local Law No. 4 of the year 2023

A local law amending chapter 200, section 200-122; Definitions; Short Term Rental
(Insert Title)
as specifically prescribed in "Attachment A - Local Law 4 of the Year 2023 Short Term
Rental Amendment"

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

County City Town Village
(Select one.)

of Porter

as follows:

See attached Porter Town Board resolution - (see attachment B)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Porter was duly passed by the Porter Town Board on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (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 chairperson 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.)

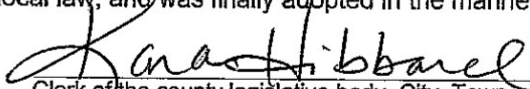
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/23/23

(Seal)

Attachment A

Local Law 4 of 2023 Definitions, Short Term Rental Homes

Be it enacted by the Board of the Town of Porter, 3265 Creek Road, Youngstown, NY 14174, in the County of Niagara, as follows:

The Code of the Town of Porter shall be amended by Repealing the currently adopted Chapter 200, Section 200-122, Definitions, Short Term Rental Homes of the Code of the Town of Porter, in entirety, and replace with:

§ 200-122 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SHORT-TERM RENTAL HOMES

Occupancy of a single-family residential premises for a term of no more than 30 days, on two or more occasions during any six-month period. Occupancy shall not exceed two people for each bedroom, plus two additional occupants. On-site parking as otherwise required by the Town of Porter Zoning Law shall be provided. All laws and ordinances related to the maintenance of single-family homes shall be complied with including, but not limited to, providing wastewater treatment facilities, fire protection systems, compliance with building maintenance rules and compliance with noise ordinances. Any violation shall be enforced by the Code Enforcement Officer, or other person authorized by law to enforce these laws and ordinances. In the event of three or more convictions/confirmed violations during any twelve-month period, any fines provided for in this zoning law shall be doubled. Property owners renting their single-family homes on a short-term rental basis are responsible to collect any bed or occupancy taxes which may be imposed by state or local municipalities. Short-term rentals are permitted in any district where a single-family residence is permitted. Only Single-family residences shall be used as a Short-Term Rental. Short-Term Rental operations shall register with the Town of Porter Code Enforcement officer prior to commencing operations. The registration shall comprise of providing the Town with pertinent information regarding the operation as requested on an approved Registration Form. The Town Board shall approve, by resolution, the Short-Term Rental Form's content. A local Property manager shall be identified, and their contact information provided. The local Property manager shall be authorized by the owner of record to make determinations regarding all aspects of the property, live in the United States of America, within 30 miles of the Rental parcel, and be available 24 hrs. per day/seven days a week. Short Term Rental operators shall have a Hold Harmless Agreement duly executed with the Town of Porter, as approved by the Town's attorney, and filed with the Town Clerk's office. The Code Enforcement Officer is to maintain a current listing of all registered Short Term Rental properties and their required registration documentation. Enforcement of these stipulated requirements shall be per the currently adopted Zoning Code Enforcement and Zoning Code Penalties respective code sections. Failure to register a Short-Term Rental operation shall constitute a Violation of the Zoning Code. All pre-existing Short Term Rental homes shall be required to register with the Town.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Kara Hibbard
Town Clerk
716-745-3730
TownofPorter.Net

2023-93

Meeting: 08/14/23 07:00 PM

Amending Short Term Rental Homes of the Code of the Town of Porter.

This public Hearing is to hear anyone for or against amending by repealing the currently adopted Chapter 200, Section 200-122, Definitions, Short Term Rental Homes of the Code of the Town of Porter.

SHORT TERM RENTAL HOMES

Occupancy of a single family residential premises for a term of no more than 30 days, on two or more occasions during any six-month period. Occupancy shall not exceed two people for each bedroom, plus two additional occupants. On-site parking as otherwise required by the Town of Porter Zoning Law shall be provided. All laws and ordinances related to the maintenance of single-family homes shall be complied with including, but not limited to, providing wastewater treatment facilities, fire protection systems, compliance with building maintenance rules and compliance with noise ordinances. Any violation shall be enforced by the Code Enforcement Officer or a person authorized by law to enforce these laws and ordinances. In the event of three or more convictions/confirmed violations during any twelve month period, any fines provided for in the zoning law shall be doubled. Property owners renting their single-family homes on a short term rental basis are responsible to collect any bed or occupancy taxes which may be imposed by state or local municipalities. Short-term rentals are permitted in any district where a single-family residence is permitted. Only single-family residences shall be used as a Short-Term Rental. Short-Term Rental operations shall register with the Town of Porter Code Enforcement Officer prior to commencing operations. The registration shall comprise of providing the Town with pertinent information regarding the operation as requested on an approved registration form. The Town Board shall approve, by resolution, the Short-Term's Rental Form's Registration content. A local property manager shall be identified and their contact information provided. The local property manager shall be authorized by the owner of record to make determinations regarding all aspects of the property, live in the United States of America, within 30 miles of the rental parcel, and be available 24 hrs. per day/seven days a week. Short Term Rental operators shall have a Hold Harmless Agreement duly executed with the Town of Porter, as approved by the Town's Attorney and filed with the Town Clerk's office. The Code Enforcement Officer is to maintain a current listing of all registered Short Term Rental properties and their required registration documentation. Enforcement of these stipulated requirements shall be per the currently adopted Zoning Code Enforcement and Zoning Code penalties respective code sections. Failure to register a Short-Term Rental operation shall constitute a violation of the Zoning Code.

**The public hearing was opened to the public at 7:03 PM. Building Inspector, Peter Jefferys, talked about the Town Board putting together a committee that met and discussed multiple options. One option would be to require short term rentals to register with the Town and have a contact person within 30 miles of the parcel so Peter could contact in case of an emergency. The committee choose to go not too significant on what stipulations were going to be implemented. The committee consisted of 2 members from each board and residents from the community.

Rusty Tower asked what residents from the public were on the committee and Code Enforcer Jefferys replied Paul Cannon and Wally Nowacki. Rusty also asked how complaints were going to be handled and Peter said that the complaints would be handled through him and through the enforcement policies of the zoning law.

Rusty also asked about continuous complaints, "can they be forced to put up a fence"? Peter said "I don't know if we can force them but we can ask them to put up a fence if there's a problem". Rusty said "the only problem I see with that is it's always on the owners side", the place that lives next door to an arbnb

when it should be the owner of the arbnb". Peter explained that both parties have rights and there is language in the law that there can be convictions of violations where they have to do it and can deter short term rental owners.

Rusty asked about a possible moratorium down the road? What about when it comes time to re-assess? There was much back and fourth discussion. He feels that it affects people's way of life that live next door to a arbnb .and he feels that people have a legitimate complaint when it come time to re-assess their properties. He also feels that it's not right that people can come in or big management companies and purchase lakefront property that are not from around here but the resident's can't. Peter said that once this new law is enacted, it will require them to register with the Town. Peter said the law can always be amended if things change. The board has the ability to amend the Zoning law if needed.

Clifford Truesdale asked as of now, do we know how many arbnb's there are? And Code Enforcer Jefferys said that we do not. We do have contact information for some but not for all of them. This amendment to the law will require them to register with the Town.

Supervisor Johnston stated that we will have all contact information for an arbnb in case of emergencies with this new law.

Motion to close the public hearing was made by Councilman Adamson and seconded by Deputy Supervisor Baker.

Roll call vote: Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz were all in favor.

Resolution to adopt Local Law #4 of 2023 was made by Councilman Adamson and seconded by Deputy Supervisor Baker

Roll call vote: Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz were all in favor.

✓ Vote Record - Resolution RES-2023-93						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	J. Duffy Johnston	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Jeff Baker	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tim Adamson	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Jipp Ortiz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>