

The following ***Short Term Residential Rental Ordinance Outline*** defines many of the elements that may possibly be included in a final proposed STRR Ordinance. This outline reflects much of the data and information that has been gathered to date from the Posted Survey and public meetings and is being presented for the purpose of stimulating further public discussion and input at the January meeting of the RTM Rules & Ordinances Committee.

**Please note this is not the final form of the ordinance and that significant changes may be proposed for the final ordinance based on comments and feedback received from the Committee and the Public!**

**DRAFT**

## SHORT TERM RESIDENTIAL RENTAL ORDINANCE

### OUTLINE

An ordinance providing for the municipal Registration and Regulation of short-term rentals of residences in the Town of Branford.

#### 1. Statement of Purpose

- 1.1. To regulate short-term residential rental activity as defined by these regulations **to minimize the off-site impact of short-term rentals on the surrounding neighborhood**
- 1.2. To **maintain the tranquility of Branford's residential neighborhoods** for all residents, particularly regarding lighting, noise, parking, parties, and other activities that interfere with neighboring residents' quiet enjoyment of their neighborhoods.
- 1.3. To **enable homeowners to derive extra income** from their primary residence, with the goal of keeping home ownership affordable.
- 1.4. To assure the continued **health, safety, and welfare** of neighboring residents and to assure the health, safety, and welfare of short-term renters
- 1.5. To minimize the off-site impact of short-term rentals **by limiting guest parking along public streets.**
- 1.6. To avoid a detrimental reduction in Branford's single family residence stock in residential neighborhoods of the Town
- 1.7. To better ensure that the owners and hosts of short-term rental properties have clear understandings of their legal responsibility to oversee and control the occupants of short-term rentals and provide a safe and healthy occupancy.
- 1.8. To assure the proper application of business taxes if applicable to short-term residential rentals

#### 2. Definition of a Short-term Residential Rental (STRR):

- 2.1. The rental of a single-family dwelling unit (FDU), or any part thereof, which is located in a Residential Zone (R1-R5, MF) of the Town of Branford or a residential zone of the Pine Orchard or Short Beach Zoning Districts for a rental period of less than **28 consecutive days** and for more than a total of **28 aggregate days** during any calendar year.

#### 3. Applicability

- 3.1. This ordinance applies to all Short-Term Residential Rentals located in a Residential Zone (R1-R5, MF) of the Town of Branford or a residential zone of the Pine Orchard or Short Beach Zoning Districts. This ordinance does not apply to rentals in other zones of the Town

- 3.2. This ordinance does not apply to **Bed and Breakfast** facilities for which the Town of Branford Planning and Zoning Commission **or** the Commissions of Pine Orchard **or** Short Beach have approved a special exception.
4. Enabling State Statutes and other relevant Regulations
  - 4.1. Reference CT Public Act No. 24-143
  - 4.2. Reference the Zoning Regulations of the Town of Branford, the Pine Orchard Association and the Short Beach Association currently in effect.
5. Short-term Residential Rentals are only allowed if they are Hosted in accordance with this Ordinance and meet all of the requirements and regulations of this ordinance.
  - 5.1. All STRRs shall have a designated Host during all periods of rental
  - 5.2. The Host must be a 30% minimum owner of the STRR property, who is over 21 years of age and who resides in the STRR during periods of rental **or** is in residence elsewhere in the Town within a 15-minute drive of the rental property during every rental period. Hosts must be able to be contacted 24/7 and known to the surrounding neighbors.
  - 5.3. See 8.3.1 Exception for Seasonal Cottages
6. Definitions
  - 6.1. **Host** – A 30% minimum owner of the STRR property, who is over 21 years of age and who resides in the STRR during periods of rental or is in residence elsewhere in the Town within a 15-minute drive of the rental property during every rental period. Hosts must be able to be contacted 24/7 and known to the surrounding neighbors.
  - 6.2. **Acting-Host** – For Summer Cottages only - The Host shall be a designated person (Acting-Host) over 21 years of age and who resides in the STRR during periods of rental or is in residence elsewhere in the Town within a 15-minute drive of the rental property during every rental period. Acting-Hosts must be able to be contacted 24/7 and known to the surrounding neighbors. Acting-Hosts do not need to have an ownership interest in the STRR.
  - 6.3. **Hosted** – Having a designated Host during all periods of rental.
  - 6.4. **Single-Family Dwelling Unit (FDU)** - A building designed for and occupied exclusively as a dwelling unit for one (1) family and having no party wall in common with an adjacent dwelling. Where a private garage or accessory structure is attached to such building, it shall be considered as a part thereof. (matches zoning definition)
  - 6.5. **Guest** – any person invited by the renter onto the premises rented and who is not a registered renter.
  - 6.6. **Events** - shall include but not be limited to gatherings such as weddings, parties, concerts, or banquets to be attended by persons who are not the owners, hosts, or overnight guests of the Short-Term Residential Rental.
  - 6.7. **Seasonal Cottage** – A single family dwelling unit that is **not winterized, does not meet the building code requirements for full-year occupancy and remains unoccupied** for a minimum of 5 months of the year

- 6.8. **Certificate Of Registration** – a certificate provided by the Town indicating successful current registration of the STRR unit with Town
- 6.9. **Resides** – is physically present
- 6.10. **Primary Residence** – a person's legal place of residence which they reside in for more than 50% of the year.
- 6.11. **Town** – the Town of Branford, CT.
- 6.12. **Residence** - a Single-Family Dwelling Unit as defined by the Town of Branford Zoning Regulations (*note: apartments and condos would be subject to their own contracts, regulations or covenants*)
- 6.13. **Resident** – a person who is a legal resident of Branford and resides in Branford for more than 50% of the year
- 6.14. **Monthly Residential Rental** – definition: rental of a residence for a period of 1 month or more
- 6.15. **Short-Term Residential Rental** – definition: rental of a residence for periods of less than 28 consecutive days
- 6.16. **Weekly Short-Term Residential Rentals** – definition: rental for a period of 1 week or more but less than 1 month
- 6.17. **Daily Short-Term Residential Rentals** – definition: rental on a daily basis or for periods of less than 1 week
- 6.18. **Family** – definition: a group of individuals related by birth or marriage
- 6.19. **Owner** – a person owning at least 30% of a dwelling unit
- 6.20. **Owner Occupied** – a residential unit that is occupied by its owner and who is in residence during all periods of rental.
- 6.21. **Related Parties**
- 6.22. **Party** – definition needed
- 6.23. **Retreat** – definition needed
- 6.24. **Ceremony** – definition needed
- 6.25. **Bed and Breakfast** - An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation and which has been approved by the Planning and Zoning Commission as a special exception. *Note: definition taken from the Zoning Regulations of the Town of Branford.*

## 7. Registration Required:

- 7.1. All STRRs in the Town of Branford must be registered with the Town annually prior to and during any period of STRR. No STRR shall be in operation that has not been registered with the Town.
- 7.2. The Town shall maintain a list of Registered STRRs including identification and contact information of the Host. Such list shall be made available to the public.
- 7.3. Registration will entail the submission of an initial registration form and payment of a fee through the Town of Branford Building Department. Registration shall be an easy process that can be completed in one session with the payment annually of a fee.

- 7.4. Renewal of the Initial Registration must be completed before May 1<sup>st</sup> for a 12-month period. Renewal shall be based upon certification that there have been no changes from the Initial Registration information and payment of the annual fee.  
Noncompliance will automatically revoke the registration of the property.
- 7.5. The initial registration fee and annual renewal fee for Seasonal Cottages will be \$100 and for all other FDUs will be \$200. *Note: actual amounts to be determined.*
- 7.6. Registration data and qualifications will include:
- 7.6.1. Location and Zone of the premises,
  - 7.6.2. Identification of the requirements for ownership and hosting,
  - 7.6.3. owner and host contact information,
  - 7.6.4. compliance with all State and Local building codes,
  - 7.6.5. evidence of applicable liability insurance,
  - 7.6.6. a description of the number of rental bedrooms in the unit,
  - 7.6.7. evidence of the required off-street parking provisions,
  - 7.6.8. for units with septic systems an ESHD septic system certificate.
- 7.7. Upon successful completion of the registration requirements and payment of fees the Town will issue an annual Certificate of STRR Registration.
- 7.7.1. Copies of the Certificate will be posted in each rental bedroom by the Host.
  - 7.7.2. The STRR host shall provide every neighboring property owner with a copy of the Certificate of Registration prior to initiating STRR rentals
- 7.8. Registration will be revoked if any of the requirements for STRR registration cease, if any of the prohibitions occur, or if repeated Police complaints have been made regarding actions of the renters.

## 8. Regulations pertaining to all STRRs

- 8.1. Certificate of Registration
- 8.2. STRR Dwelling Units will be allowed to park two (2) cars maximum on the street and must provide adequate **off-street parking for any additional cars associated with the STRR residence**. Guest cars will be calculated at the rate of one car per rental bedroom for Registration purposes.
- 8.2.1. Clarification - Short Term rental of Summer Cottages on islands in the coastal waters of Branford shall be exempt from the on-site parking requirements but shall provide such off-street parking on the mainland for their guests.
- 8.3. **At least one Owner (30% minimum) of the rental premises must be in residence in the Town of Branford, or within a 15-minute drive of the premises, 24/7 during any period of rental.**
- 8.3.1. **Exception** - Summer Cottages used for STRRs shall be exempt from the requirement that the owners be in residence in the Town of Branford during all rental periods, but must have a designated acting-Host who is in residence in the Town during such periods.
- 8.4. All STRRs **must be Hosted during any period of rental.**
- 8.5. The **Host shall be responsible for the acceptable use of the rental premises** according to the conditions set forth in this ordinance. The Host shall be

personally responsible for oversight of rental guests and compliance with the Branford ordinances and zoning, including those related to such things as parking, noise, and outdoor lighting. The host's responsibility shall be in addition to, and not in derogation of, that of the property owner.

- 8.6. STRR guests must be in continued compliance with all applicable federal, state and local laws and regulations during their period of rental.
- 8.7. For facilities on septic systems – an East Shore Health District certificate of compliance with septic system requirements adequate for total number of rental guests (bedrooms)
- 8.8. All STRR facilities must be in compliance with State and Local building code requirements
- 8.9. Each Renter shall be notified of the Town Registration number, the Host's name and contact information, **and the prohibited uses of the rental.**
- 8.10. Maximum Number of Guests – a short-term rental shall rent to **no more than six (6) guests on any day for overnight occupancy**
- 8.11. At least **one bedroom shall be provided for every two persons** in the rental contract
- 8.12. Enforcement by the Host of all prohibited activities
- 8.13. Signage, if otherwise allowed in the zoning district, shall comply with the requirements for the zoning district and be approved as required by the zoning regulations

## 9. Requirements for STRRs of Seasonal Cottages

- 9.1. No less than a 7-day rental term
- 9.2. Limited to the months of April, May, June, July, August, September, October
- 9.3. Compliance with all other regulations of this ordinance

## 10. Prohibited STRR Activities

- 10.1. **Un-hosted STRRs**
- 10.2. **Noise** generated by STRR guests, including amplified music and loudspeakers, extending beyond the premises' boundaries, and capable of disturbing the neighbors and other persons off-site.
- 10.3. **STRRs used as an Event venue** of any kind, whether or not for consideration.
- 10.4. STRRs involving **additional invited guests on the premises**
- 10.5. STRRs of residential structures with **more than 3 guest bedrooms**
- 10.6. STRRs of bedrooms used by more than two individuals
- 10.7. STRRs used for **illegal activities**
- 10.8. STRRs used for filming of **pornographic activities**.
- 10.9. STRRs of tents, recreational vehicles, boats, sheds, garages, campers or similar types of structures or recreational equipment.
- 10.10. No meals shall be prepared by the host, and **no catering may be provided.**

11. How an Offense is determined:

11.1. Text needed

12. Penalties for offenses.

12.1. First offense – text needed and amount of fine

12.2. Second offenses – text needed and amount of fine

13. Enforcement.

13.1. Enforcement Officer – to be determined

13.2. Hearing procedure for citations – text needed

14. Conflict with statutory provisions.

14.1. Any State or Local Statute, Ordinance or Regulation that is more restrictive in its application will take precedence.