



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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Work Group Reviewing an Ordinance Regarding Short-Term Rentals

May 10, 2021

8:00AM

Zoom

SPECIAL MEETING AGENDA

Call to Order

- 1) Review and Discussion of Draft Ordinance
- 2) Next Steps and Meeting Dates
- 3) Approval of Minutes

a. April 26, 2021

Adjournment



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY Short-Term Rental Ordinance

Adopted by the Board of Selectmen on [month] [day], [year]

I. Purpose

The purpose of this ordinance is to establish regulations on short term rentals in the Town of Simsbury. By establishing these regulations the Town will be able to monitor short term rental listings in Simsbury while also maintaining the characteristics that define Simsbury.

II. 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 like estate and uses the property as their legal residence.
- C. Owner Occupied:** During the course of the rental period, the owner (as defined above) is present inside the dwelling.
- 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 property rented by a person(s), of 18 years or older, for a period of one (1) to twenty-nine (29) 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. A minimum of 75 square feet of sleeping area per guest shall be provided.
- G. Authorized Enforcement Agency:** Employees or designees of the town as designated by the Town Manager to enforce this ordinance.

III. Permit Required

- A.** No one shall be allowed to operate a short term rental in the Town of Simsbury without a valid short term rental permit authorized by the Planning

and Land Use Department. Failure to secure a permit is considered a violation of this ordinance and subject to fines and enforcement stated in below sections.

- B. Only the legal property owner(s) may apply for and obtain a short term rental permit.

IV. Application Process for a Short Term Rental Permit

A. How to Apply

- i. An application form from the Planning and Land Use Department must be completed.
 1. All information entered on the form must be as current and accurate as possible.
 2. To be included in the application is:
 - a. A list of all owner(s) and Primary residents of the property, and their contact information.
 - b. Contact information for a local person who can be called on in emergency situations if property owner is not responsive.
 - c. The number of separate sleeping spaces made available to guest(s) of the short term rental.
 - d. A signed affidavit allowing Town officials the right to perform inspections, both externally and internally, of a short term rental property when safety violations are suspected.
 - ii. A new application fee of two hundred dollars (\$200) will be charged if your application for a short term rental permit is approved.
 - iii. The Director of Planning and Community Development, or his/her designee, has the authority to approve or deny any application for a short term rental in the Town of Simsbury.
 - iv. An initial safety inspection must be completed by a staff member of the Planning or Building Department before a permit may be issued.
- B. An application must be fully complete when being submitted to the Planning and Land Use Department. The Town will not accept incomplete applications.

C. Limit to Amount of Rentals

- i. No owner may rent their property as a short term rental for more than one hundred (100) days during any one year period of their short term rental permit.
- ii. Only one rental permit is permitted per property.
- iii. Only one portion of a residence or accessory dwelling unit can be used at a property.

D. Parking Requirements

- i. Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways. All required parking spaces shall be located on paved surfaces.
- ii. No renter may park their vehicle on a public street between the hours of 2:00AM and 5:30AM.

E. Neighbor Notification

- i. Within five (5) days after the date of receipt of the application, the applicant shall submit, as part of the application record, the name(s) and address(es) of the owner(s) of record of all lands abutting or within one hundred (100) feet of the subject property, as listed on the last-completed grand list of the Town of Simsbury.
- ii. Notice of the permit shall be mailed by the applicant to the owner(s) of record of all lands within one hundred (100) feet of the subject property not fewer than ten (10) days after application is filed. Applicant is to provide copies of certificate of mailings were completed to Planning Department staff for issuance of permit.
- iii. Applications for permit renewals are not required to notify abutting property owner(s) as outlined above.

F. Owner Present During Rental Period

- i. The owner of a property has the option of being present while renting their property or renting their property while not being onsite during the rental period.
- ii. If choosing to be offsite during a rental period the owner must provide contact information to the renter as well as to the Town on their permit. If the owner is unable to be in the local area while renting their property a local contact must be identified to the renter and to the town in case of emergencies or situations that may arise during the rental period.
- iii. Failure to provide proper contact information of either the property owner or local contact while owner is offsite may result in the revocation of the Short-Term Rental Permit.

G. Accessory Dwellings

- i. Accessory dwellings, as defined by the Town of Simsbury 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 is approved by the Zoning Commission.

H. Single Family and Multifamily Neighborhoods

i. _____

V. Expiration and Renewal Process of Permit

A. Expiration

- i. All short term rental permits are valid for one year from date issued.
- ii. Permits become invalid at 11:59 PM on the listed expiration date of the short term rental permit.

B. Renewal Process

- i. An application for renewal of a short term rental permit 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 permit.
- ii. Applicants must bring in the following forms when applying for a renewal:
 1. The previous year's approved permit.
 2. An updated application, if any requested information has changed in the past year.
 3. A renewal fee of one hundred thirty dollars (\$130).
 4. Copies of sales tax receipts from the previous calendar year.
- iii. If the Director of Planning and Community Development, or his/her designee, sees fit he/she may authorize a renewal inspection of the property before granting a renewed permit. The Director of Planning and Community Development, or his/her designee, has the authority to reject an application for renewal.
- iv. A renewal is when an owner had a valid short term rental permit in the previous year that was not revoked by staff. A gap of eight (8) or more months between an expired permit and an application for a renew permit will be treated as a new application for a short term rental permit and should follow the steps in Section IV, A.

VI. Non-transferability

- A. A short term rental permit is not transferable to another owner, operator or property.

VII. General Standards

A. Maximum Occupancy

- i. The maximum occupancy for a dwelling is 6 unrelated ~~adults~~ persons.

B. Safety

- i. A short term rental property must have:
 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 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 are to the state building code.

C. Conduct

- i. 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.
- ii. Excessive noise or other disturbances are prohibited
- iii. No activities in excess of 75 decibels at the property line are allowed.
- iv. No outdoor events are allowed.
- v. No indoor or outdoor events are allowed
- vi. No guest may spend the night sleeping outdoors.
- vii. No signage advertising the property as a short term rental is allowed.

VIII. Inspections

- A. ~~When violations are suspected, Town officials have the right to perform inspections, both externally and internally, of a short term rental property [Moved to Section 4(A)(2)(d)].~~

IX. Enforcement

- A. The authorized enforcement agency, as defined in section II.G, has the right to determine if a violation has occurred and then take action to correct said violation.
- B. A violation consists of but not limited to operating a short term rental without a valid short term rental permit, as well as using a property as a short term rental for anything other than the allowed uses stated earlier in this document.
- C. The authorized enforcement agency has the authority to suspend a short term rental permit until the owner comes into compliance.
 - i. The Director of Planning and Community Development, or his/her designee, shall give the owner thirty (30) days to correct the violations.

- ii. This suspension will not delay the expiration of an owner's short term rental permit.
 - iii. The Director of Planning and Community Development, or his/her designee shall have the authority to immediately suspend a short term rental permit if safety violations are present.
- D. Violations of this ordinance can lead to daily fines of up to \$250 in accordance with Section 7-152c of the Connecticut General Statutes.
- ~~E. [Insert CT General Statute about fines.]~~

X. Revocation Procedure

- A. If any violations determined by the authorized enforcement agency, do not get corrected in the given timeframe, the Director of Planning and Community Development has the authority to revoke an owner's short term rental permit.
- B. If an owner has their short term rental permit revoked a new permit may not be granted to that property for 12 months.

XI. Appeals

- A. **Permit 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.
- 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. For this purpose, notice shall be deemed received three (3) calendar days from the date of the notice. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.



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Work Group Reviewing an Ordinance Regarding Short-Term Rentals

Monday, April 26, 2021
Zoom

SPECIAL MEETING MINUTES – DRAFT

Members Present: Chris Peterson, Jackie Battos, Bruce Elliot, Ron Jodice, Liz Peterson

Staff Present: Thomas Fitzgerald, Mike Glidden, Henry Miga

The meeting was called to order at 8:02am

1) Recap and Discussion of Draft Ordinance

Mr. Fitzgerald gave an update on staff work done since the last meeting of the workgroup. Mr. Elliot mentioned a concern of having an Accessory Dwelling Unit rented to one person/group and then the house on the same property rented to another person/group. Discussion from the group was that the intention of the group was to not have this as well. Staff will work to add this to the draft ordinance for next time.

There was discussion on the notifying of neighbors section of the ordinance.

2) Next Steps and Meeting Date

Another meeting will be needed to discuss the rest of the document. May 10th at 8:00am was selected as the next meeting date.

3) Approval of Minutes

A motion to approve the minutes of the April 8, 2021 meeting was made by Mr. Elliot and seconded by Mr. Jodice. All were in favor, therefore the minutes are approved.

The meeting adjourned at 9:05am.

Respectfully Submitted,
Thomas Fitzgerald
Management Specialist