

Town of Essex
Short-Term Rental Ordinance – DRAFT
Last updated February 13, 2024

I. Purpose

- A. The purpose of this Short-Term Rental Ordinance (herein after “Ordinance”) is to regulate short-term rentals in the Town of Essex. By enacting this Ordinance, the Town will be able to monitor short-term rental listings in Essex and ensure compliance with Town and State rules, regulations and laws that apply.
- B. This Ordinance is adopted pursuant to General Statutes §7-148(b) and §7-148(c)(7).

II. Definitions

- A. **Authorized Enforcement Official(s):** Employees or designees of the Town as designated by the First Selectman to enforce this Ordinance.
- B. **Bedroom:** As defined by and meeting the minimum standards of the CT Building Code and CT Public Health Code.
- C. **Event:** Occasions such as weddings, graduation parties, or other gatherings of people that may cause a nuisance. Events can be either indoor or outdoor for purposes of this Ordinance.
- D. **Full bath/bathroom:** As defined by the Public Health Code; a bathroom having a bathtub or shower.
- E. **Hearing Officer:** To be appointed by the Essex Board of Selectmen to hear appeals relating to this Ordinance.
- F. **Impermissible Short-Term Rental:** Any living space rented in exchange for monetary compensation by a person(s) for a period of less than two (2) consecutive days.
- G. **Occupant:** Any person(s), and their guests, who have entered into an agreement, written or verbal, with an Owner, or agent thereof, for the use of a Short-Term Rental.
- H. **Owner’s Agent:** Any person who is 18 years or older and has been identified by an Owner as a local contact who is living no more than 10 miles from the property. The Owner’s Agent is authorized to act for an Owner who cannot be reached, within 24 hours, through all means of contact identified on their Short-Term Rental License.
- I. **Owner:** Any person(s) who holds the legal interest to the property, either individually or as a beneficiary of an estate or trust, or as a member of a limited liability company.
- J. **Primary Residence:** A dwelling where one resides for at least 183 days in a year.
- K. **Permissible Short-Term Rental:** Any living space within a residential building in exchange for monetary compensation by a person(s) for a period of less than 6 months and no less than two (2) consecutive days.
- L. **Short-Term Rental:** Any living space rented in exchange for monetary compensation for a period of less than 6 months.

III. Eligibility and Permitting

- A. No one shall offer to rent or operate a Short-Term Rental in the Town of Essex for a period of less than 2 (two) consecutive days (herein referred to as an “Impermissible Short Term Rental”).

- B. No one shall offer to rent or operate a Permissible Short-Term Rental in the Town of Essex without a valid Short-Term Rental License approved by the Authorized Enforcement Official issued in accordance with this Ordinance. Failure to secure a License shall be a violation of this Ordinance and subject to fines and enforcement as defined.
- C. **Residential Occupancy.** A Permissible Short-Term Rental must be within a permitted residential dwelling.
- D. **Facilities.** A Permissible Short-Term Rental must have:
 - 1. Separate bedrooms established for Occupants;
 - 2. At least shared access to a minimum of one (1) Full Bathroom for Occupants; AND
 - 3. Facilities for cooking for Occupants.
- E. **Owner Occupied.** A Permissible Short-Term Rental must be:
 - 1. Within an Owner's Primary Residence;
 - 2. Within a detached legal dwelling having permitted and inspected water and wastewater utilities on a parcel containing the Owner's Primary Residence, OR
 - 3. Within a legal dwelling on a separate parcel so long as the Owner's Primary Residence is within the Town limits of Essex (defined as including Villages of Essex, Centerbrook, and Ivoryton).
- F. **Applicants.**
 - 1. Only the Owner(s) of record of the premises are eligible to apply for a Short-Term Rental License.
 - 2. Applicant must be eighteen (18) years of age or older to apply for and obtain a Short-Term Rental License.
- G. **Limit to Number of Rentals.**
 - 1. No Owner may rent the property as a Short-Term Rental under the License for more than one hundred and eighty (180) days during any one-year period of their Short-Term Rental License.
 - 2. No Owner may have more than one (1) Short-Term Rental.

IV. **General Standards**

- A. **Maximum Occupancy:** The maximum occupancy for a Permissible Short-Term Rental unit shall be two persons per each Bedroom in the unit; not to exceed 16 people.
- B. **Bedrooms.**
 - 1. Only rooms in a permitted residential structure that meet the minimum standards of the CT Building Code and CT Public Health Code may be designated as a Bedroom as defined in Section II.
 - 2. No area shall be utilized as a bedroom that exceeds the number of Bedrooms per the septic system design, as approved by the Director of Health or his/her authorized agent.
- C. **Conduct**
 - 1. Occupants are subject to all relevant town codes and ordinances.
 - 2. Owners are responsible to notify their Occupants of any applicable codes and

- ordinances and ensure that they are followed.
3. No Occupant may spend the night sleeping outdoors.
 4. Physical signage advertising the property as a Short-Term Rental is prohibited.
 5. Owners may not serve or offer food or meals to Occupants.
 6. Permissible Short-Term Rentals are intended to provide temporary housing for a short duration and shall not include Events as defined in Section II.

V. Application Process for a Short-Term Rental License

A. Application Process

1. An administrative Short-Term Rental License Application (hereinafter "Application"), issued by the Land Use Department, must be completed.
2. All information entered on the Application must be true and accurate to the applicant's knowledge and belief.
3. The Application shall include, but not be limited to, the following:
 1. **Contact Information**
 - i. A list of all Owners(s) and Primary Residents of the property, and their contact information.
 - ii. Contact information for an Owner's Agent who can be called on in emergency situations if or when the Owner is not available.
 2. **Authorizations**
 - i. An authorization for Town officials to perform inspections, both externally and internally, of a Short-Term Rental property
 - iii. Written authorization from the Association if the property is part of a home or condominium association.
 3. **Parking Requirements**
 - i. The application shall include a parking plan to demonstrate adequate permanent off street parking.
 - ii. On-street parking is not allowed unless otherwise authorized by the Essex Traffic Authority.
 4. **Floorplan**
 - i. The application shall include a layout/floorplan of the structure to be utilized for the Short-Term Rental showing:
 1. The total occupancy,
 2. Bedrooms,
 3. Bathrooms,
 4. Facilities for cooking,
 5. Egress doors,
 6. All locked interior doors,
 7. Location of operable smoke and carbon monoxide detectors, and

8. Any other aspects as determined by the Authorized Enforcement Official as reasonably necessary for consideration of the application.

B. **Application Fee.** A new application fee as established by the Authorized Enforcement Official shall be paid upon the submission of the completed Short-Term Rental License Application to the Land Use Department. No incomplete application will be accepted.

C. **Application Review.**

1. Review of said License application may include review by appropriate departments for evidence of compliance with applicable State of Connecticut Building and Fire Code and Essex Wastewater Management Ordinance as well as a walk-through of the property if deemed necessary.
2. The Authorized Enforcement Official, or his/her designee, shall approve or deny any License Application for a Permissible Short-Term Rental in the Town of Essex in accordance with this Ordinance, the department review referenced in section 5(a), and any other applicable ordinance, regulation or law.

VI. Expiration and Renewal Process of License

A. Expiration

1. All Short-Term Rental Licenses are valid for two years from date issued, unless otherwise suspended or revoked pursuant to this Ordinance.
2. Licenses become invalid at 11:59 PM on the listed expiration date of the Short-Term Rental License.

B. Renewal Process

1. An application for renewal of a Short-Term Rental License must be submitted to the Land Use Department at least one (1) month but no more than three (3) months before the expiration date of the current License
2. Applicants must submit the following forms when applying for a renewal:
 - a. The previously approved License.
 - b. An updated application, if any requested information has changed in the past year.
 - c. A renewal fee, as determined by the Land Use Department.
 - d. Copies of sales tax receipts from the previous rental period.
3. The Authorized Enforcement Official, or his/her designee, may authorize a renewal inspection of the property before granting a renewed license. The Land Use Official, or his/her designee, may reject an application for renewal due to non-compliance or three violations resulting in revoking a license.
4. A renewal license may only be applied for if the Owner holds a valid Short-Term Rental License in the previous year that was not revoked. Renewals may be applied for at least

30 days before they expire, but no more than 3 months before the expiration of the current license.

VII. Non-transferability

- A. A Short-Term Rental License is not transferable to another owner of the property.

VIII. Enforcement

- A. The Authorized Enforcement Official has the authority to enforce this ordinance, including to
1. Investigate and determine if a violation exists;
 2. Suspend a Short-Term Rental License subject to thirty (30) days written notice to the Owner and opportunity to correct the alleged violation;
 3. Suspend a Short-Term Rental License immediately if safety violations are present; and
 4. Issue Citations and assess fines, penalties, costs or fees for alleged violations in accordance with the Town of Essex Ordinances.
- B. Operating a Short-Term Rental without a valid Short-Term Rental License or in derogation of any provisions of this Ordinance shall be an enforceable violation of this Ordinance.

IX. Revocation Procedure

- A. If any violations found by the Authorized Enforcement Official is not corrected in the allowed timeframe, the Authorized Enforcement Official may revoke an Owner's Short-Term Rental License.
- B. If an Owner has their Short-Term Rental License revoked a new license may not be granted for that property for 12 months.

X. Appeals

A. License and Notice of Violation Appeals.

1. An Owner may appeal from a decision of the Authorized Enforcement Official pursuant to Section VIII(A)(1)-(3) or (IX).
2. An appeal must be received in writing and filed with the Land Use Department within ten (10) business days from the date of the written decision to deny, suspend or revoke a License.
3. For this purpose, notice of the written decision shall be deemed to have been properly sent if such decision was mailed to the Owner's address as indicated on the Short-Term Rental License Application.
4. Said appeal shall be promptly transmitted to the Hearing Officer for scheduling of an appeal hearing.
5. The Hearing Officer shall give written notice to the appellant of the date, time and place for the appeal hearing, which shall be held not less than fifteen (15) business days nor more than thirty (30) days from the mailing of such notice of appeal hearing, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

B. Citation Appeals.

1. Any person receiving a Citation pursuant to Section VIII(A)(4) may appeal the determination of the Authorized Enforcement Official.
2. If such person shall not appeal, an assessment and judgment may be entered against such person without further notice and such person shall be deemed to have admitted liability. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for pursuant to this Ordinance and shall follow the procedures set forth in Connecticut General Statutes § 7-152c(f).
3. An appeal must be received in writing and filed with the Land Use Department within ten (10) business days from the date of the Citation.
4. For this purpose, notice of the Citation shall be deemed to have been properly sent if mailed to such person's last-known address on file with the tax collector.
5. Said appeal shall be promptly transmitted to the Hearing Officer for scheduling of an appeal hearing.
6. The Hearing Officer shall give written notice to the appellant of the date, time and place for the appeal hearing, which shall be held not less than fifteen (15) business days nor more than thirty (30) days from the mailing of such notice of appeal hearing, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.
7. Hearings on the appeals before the Hearing Officer shall take place in accordance with Connecticut General Statutes § 7-152c.
8. The decision of the Hearing Officer may be appealed to Superior Court in accordance with the Connecticut General Statutes § 7-152c.