

Town of Essex
Short-Term Rental Ordinance – DRAFT
Last updated April 6, 2023

I. Purpose

- A. The purpose of this 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 the Public Health Code.
- C. **Event:** Occasions such as weddings, graduation parties, or other gatherings of people that causes 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:** The Essex Zoning Board of Appeals will hear appeals relating to the issuance of a short-term rental license and/or zoning permit.
- F. **Impermissible Short-Term Rental:** Any furnished living space rented in exchange for monetary compensation by a person(s) for a period of less than 28 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 right to the property or beneficiary of life estate; need a person identified if LLC (health code needs this for issuing legal order)
- J. **Primary Resident:** An Owner who spends at least 183 days at their property is defined as a Primary Resident.
- K. **Permissible Short-Term Rental:** Any furnished living space within a residential building in exchange for monetary compensation by a person(s) for a period of no less than 28 consecutive days.
- L. **Short-Term Rental:** Any furnished 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 to a person(s) for a period of less than 28 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 Zoning Permit approved by the Land Use Official and a license 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. A Permissible Short-Term Rental must have separate bedrooms established for Occupants and Occupants must have at least shared access to a minimum of one (1) Full Bathroom and permanent facilities for cooking.
- D. A Permissible Short-Term Rental must be (1) within a primary residence that is Owner occupied, (2) within a detached dwelling having water and wastewater utilities on a parcel containing the primary residence, or (3) within a legal dwelling on a separate parcel adjacent to the Owner’s primary residence.
Only the Owner(s) of record of the premises are subject to the License. Applicant must be eighteen (18) years of age or older to apply for and obtain a License for a Short-Term Rental.
- E. Parcel must contain a residential building.

IV. General Standards

- A. Maximum Occupancy
 - i. 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, whichever is less.
- B. Safety. A Permissible Short-Term Rental must be within a residential structure and comply with change of occupancy if applicable.
- C. Conduct
 - i. Occupants are subject to all relevant town codes and ordinances. It is up to Owners to notify their Occupants of any applicable codes and ordinances and to ensure that they are followed.
 - ii. No Occupant may spend the night sleeping outdoors.
 - iii. Signage advertising the property as a Short-Term Rental is prohibited.

IV. Application Process for a Short-Term Rental License

- A. Application Process
 - i. An application form, which shall include an administrative Short-Term Rental License application, as issued by the Land Use Department must be completed.
 - ii. All information entered on the form must be true and accurate to the applicant’s knowledge and belief.
 - iii. The application shall include but not be limited to the following:
 - a. 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 property owner is not available.

b. Affidavit

- i. A signed affidavit attesting to the fact that the Property complies with CT Public Health Code, Essex Zoning Regulations and State Building and Fire Safety Codes which allows Town officials the right to perform inspections, both externally and internally, of a Short-Term Rental property when safety violations are suspected.
- ii. Written approval provided annually from the Homeowners Association if the property is part of an Association.

c. Parking Requirements

- i. The applicant shall provide a parking plan to demonstrate that adequate off street and permanently maintained parking has been provided.
- ii. No on-street parking is allowed unless otherwise authorized by Town Ordinance.

d. Floorplan

- i. The application shall include a layout/floorplan of the structure to be utilized for the Short-Term Rental to demonstrate total occupancy, shall include egress doors and all locked interior doors.
- ii. Only rooms in a primary 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.
- iii. No area indicated on the floorplan 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.

e. Operation Plan:

- i. The applicant shall certify that each floor of the structure has operable smoke and carbon monoxide detectors.
- ii. The applicant shall provide contact information for a primary point of contact for the property. Such person must have the authority to take immediate remedial actions to address any issues which may arise on the property, 24 hours a day, 7 days a week.
- iii. The applicant shall indicate the nature of the proposed use. For this section, it is understood that Permissible Short-Term Rentals are intended to provide temporary housing for a short duration and shall not include Events as defined in Section II.

- iv. A new application fee as established by the Land Use Official shall be paid upon the submission of the completed License application.
- v. The Land Use Official, or his/her designee, shall approve or deny any License application for a Permissible Short-Term Rental in the Town of Essex.
- vi. 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.

- vii. A completed application and fee must be submitted to the Land Use Department. The Town will not accept incomplete applications.

V. Limit to Amount of Rentals

A. 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.

VI. Accessory Dwellings

A. Accessory dwellings, as defined by the Town of Essex's Zoning Regulations and ancillary to a principal structure, either attached or detached, are permitted to be used as Short-Term Rentals provided they meet all requirements of residential structures, including:

- i. It meets the same standards set forth in this ordinance as a traditional single-family house.
- ii. It has at least 1 Full Bathroom as defined in Section II.
- iii. Permitted residential use complies with Health, Building and Zoning Codes.
- iv. It has received a certificate of zoning compliance from the Land Use Department.
- v. It meets the requirements of the Essex Wastewater Management Ordinance.

VII. Expiration and Renewal Process of License

A. Expiration

- i. All Short-Term Rental Licenses are valid for two years from date issued.
- ii. Licenses become invalid at 11:59 PM on the listed expiration date of the Short-Term Rental License.

B. Renewal Process

- i. 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
- ii. 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.
- iii. The Land Use 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.
- iv. 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 up to 30 days before they expire.

IX. Non-transferability

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

XII. Enforcement

- A. The Authorized Enforcement Official, as defined in Section II of this ordinance, has the authority to determine if a violation has occurred and to issue citations to correct any violation found to exist.
- B. Operating a Short-Term Rental without a valid Short-Term Rental License as well as using a property for anything other than the allowed uses stated in this document shall be a violation of this ordinance.
- C. The designated enforcement entity has the authority to suspend a Short-Term Rental License until the Owner comes into compliance.
 - i. The designated enforcement entity shall give the Owner up to thirty (30) days to correct the violations.
 - ii. This suspension will not delay the expiration of an Owner's Short-Term Rental License.
- D. The designated enforcement entity, or his/her designee shall have the authority to immediately suspend a Short-Term Rental License if safety violations are present.
- E. Violations of this ordinance can be assessed fines of up to \$XXXX in accordance with XXXX of the Town of Essex Ordinances.

XII. Revocation Procedure

- A. If any violations found by the authorized enforcement official(s) do not get corrected in the allowed timeframe, the Land Use Official may revoke an Owner's Short-Term Rental.
- B. If an Owner has their Short-Term Rental license revoked a new license may not be granted to that property for 12 months.

XIII. Appeals

- A. License 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 Officers 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.
- B. Citation Appeals. Any person receiving a fine may appeal the determination of the authorized enforcement official(s). 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. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office.
- C. Hearing on the appeal before the Hearing Officer shall take place in accordance with Town of Essex Ordinances.
- D. The decision of the Hearing Officer may be appealed to Superior Court in accordance with the Town of Essex Ordinances.