

VILLAGE OF CASSADAGA  
PROPOSED LOCAL LAW 1 OF 2022

**LOCAL LAW PLACING MORATORIUM ON SHORT TERM RENTALS**

Be it enacted by the Board of Trustees of the Village of Cassadaga as follows:

Section 1.     Short Title.

This local law shall be known and cited as the “Short-Term Rental Moratorium of the Village of Cassadaga, New York”

Section 2.     Legislative Findings.

- A.     The residential character of the Village of Cassadaga is a source of pride and economic stability for the Village and its residents.
  
- B.     The recent trend of existing residential structures being used by owners for the primary purpose of renting to short-term rental occupants has created concern that the residential character and economic base of the Village is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals.” The Board of Trustees hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity and that short term vacation rentals create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing crime, noise, parking congestion, and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner-occupied properties. As such, the Board of Trustees finds that unregulated short term vacation rentals, or short-term rental occupancies as defined in this local law, may be incompatible with residential neighborhoods and zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of short-term rental occupancy.
  
- C.     Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings, and required public hearings, further conversions of residential properties and establishment of new short-term rental uses may occur within the Village that may thereby:
  - (1)    Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Village's Zoning Code, environmental review procedures, and other development regulations;
  
  - (2)    Permit significant variations in neighborhoods where the Village may wish to implement changes in the existing Zoning Code and such variations may

impede or destroy the integrity of changes which may be proposed; and

- (3) Create conditions, or worsen existing conditions, which the Board of Trustees hereby finds to be detrimental to the public health, safety, and general welfare of Village residents.

- D. It is the finding of the Board of Trustees that a review of the Zoning Code and Zoning Map is necessary to determine how to best regulate short-term rental occupancy uses within the Village so as to avoid adversely impacting residential districts and the community character in general, and that the review and possible revision of the Village Zoning Code as envisioned by this local law is necessary to protect the health, safety, and welfare of residents of the Village of Cassadaga.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Cassadaga hereby adopts this Local Law pursuant to its general zoning authority under Article 4 of the Village Law for the purposes of addressing the potential threat to the public health, safety, and welfare described at Section 2 above.

Section 4. Definitions.

- A. For purposes of this Local Law, the term "short term rentals" shall be defined as "A residential property that is rented to a visitor for less than 30 days."

Section 5. Intent.

It is the intent of the Board of Trustees to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. It is the purpose of this local law to allow the Village time to comprehensively review the uses that are within the scope of the moratorium so that adequate land use and regulatory controls may be presented for action by the Board of Trustees at or prior to the expiration of the period of the moratorium. During said period, the Board of Trustees, the Village Planning Board/Zoning Board of Appeals, and/or such other panel or body as may be designated by the Board of Trustees for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Village and make recommendations to the Board of Trustees as to potential amendments to address the potential threat to the public health, safety, and welfare described at Section 2 above. The Board of Trustees shall thereafter enact necessary modifications to the Village Zoning Code and/or Zoning Map. The Board of Trustees declares that the enactment of this local law is necessary to protect the public health, safety, and welfare.

Section 6. Regulations.

- A. Except as otherwise provided herein, effective on the effective date of this local law, and continuing 180 days from the effective date of this local law, unless the Board of Trustees, by resolution, establishes an earlier date, no newly created short-term rental

occupancy use shall be established or expanded within the Residential District, Conservation District or Industrial District in the Village of Cassadaga, and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within any of the aforesaid Districts for any land use activity that includes the establishment or expansion of a short-term rental occupancy use, either in a principal structure or any accessory structure. The prohibition referred to hereinabove shall not apply to short-term rental occupancy uses that were lawfully established prior to the effective date of this local law, nor to the issuance of building permits for structural repairs, renovations, or alterations which do not involve the expansion of an existing transient occupancy use or the establishment of a new short-term rental use.

- B. The Board of Trustees may, by resolution, extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

Section 7. Supersession of Village Law.

The provisions of this local law, and any moratorium (and extension(s) thereof) enacted hereunder, shall supersede in their application to the Village of Cassadaga any and all contrary provisions of the Village Law, including, but not necessarily limited to, the provisions with respect to any time periods within which the Village or the Planning Board is required to act in regard to any application, and with respect to default approval of any such application within such time periods as may be prescribed in said Village Law.

Section 8. Penalties for Offenses.

Any person or entity acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of a violation shall be considered a separate offense. In addition to such penalties, the Village of Cassadaga may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

Section 9. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 10.

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason

held invalid or unconstitutional by any court, such portion, subsection, sentence, clause, or phrase shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion of this local law.

Section 11.

This local law shall take effect upon filing with the Secretary of State of the State of New York.