

**TOWN OF BOZRAH  
BOZRAH TOWN HALL, 1 RIVER ROAD  
BOZRAH, CONNECTICUT 06334**

**PLANNING & ZONING COMMISSION**

The Bozrah Planning & Zoning Commission's regularly scheduled meeting for Thursday, January 14, 2021 has been cancelled.

Stephen Seder, Chairman  
Planning & Zoning Commission

**DRAFT ORDINANCE****CREATING A LICENSING PROCEDURE FOR SHORT-TERM RENTAL PROPERTIES IN  
THE TOWN OF BOZRAH, CONNECTICUT****Be it ordained:****Section 1 – Purpose.**

It is the intent of this Ordinance to accommodate the desire of certain property owners in the Town of Bozrah, Connecticut to rent all or a portion of a residential dwelling or detached structure on a short-term basis and to establish appropriate requirements to mitigate the disruption that short-term rental of these spaces may have on a neighborhood.

This ordinance is not intended to regulate residential property rentals that occur on a longer basis, for the purpose of providing a primary residence.

**Section 2 – Definitions.**

For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed herein.

“Dwelling Unit” – Any single domicile providing complete, independent living facilities for one or more persons, including bathing and sanitary facilities, and provisions for living, cooking, and sleeping.

“Hosted Rental” – A Short-term Rental that is the primary residence of its owner. The owner of the Hosted Rental may or may not be present at a time when it is rented.

“Non-hosted Rental” – A Short-term Rental that is not the primary residence of its owner.

“Off-street Parking Area” – An area located on the property of a Short-term Rental designed and used for the temporary parking of motor vehicles, including all-weather surfaced off-street parking areas, garages, or private driveways.

“Short-term Rental” – A dwelling unit or portion thereof, or all or a portion of an accessory structure on a residential lot that contains sleeping quarters but does not meet the definition of dwelling unit, that is rented for compensation, direct or indirect, in currency or in kind, to occupants for a term of twenty-one (21) or fewer days at a time, with no consecutive rental agreements allowed with the same tenants. For the purposes of this Ordinance, Short-term Rentals do not include Bed & Breakfasts, Hotels, or Motels as defined by, and in compliance with, the Zoning Regulations of the Town of Bozrah.

“Short-term Rental Enforcement Official” – An employee appointed by the Board of Selectmen for an indefinite term, authorized to administer and enforce this Ordinance. The Designated Official may issue or rescind licenses, undertake enforcement proceedings, issue fines, and undertake any other task necessary to carry out this Ordinance.

“Sleeping Space” – The number of sleeping spaces in a dwelling used as a Short-term Rental are calculated as one (1) per twin- or full-sized bed and mattress, two (2) per queen- or king-sized mattress, and two (2) per pull-out sofa.

### **Section 3 – Permit Requirements for Short-term Rentals.**

A. Permit Required. Any individual, partnership, or business entity owning residential property in the Town of Bozrah and wishing to use all or a portion of the property as a Short-term Rental must first obtain a permit from the Short-term Rental Enforcement Official. All current Short-term Rentals must apply for a permit within fifteen (15) days of the effective date of this Ordinance or otherwise cease all rentals at their property until a permit is obtained. No more than one permit for a Short-term Rental may be held by the same individual, partnership, or entity at one time, regardless of the number of properties held by that individual, partnership, or entity in the Town of Bozrah. A permit shall apply to the owner of a property and not to the property itself. A permit is valid for one (1) year and is not transferrable.

B. Permit Application Requirements. An application for a Short-term Rental permit shall contain sufficient information to allow the Short-term Rental Enforcement Officer to judge its consistency with requirements of this section. Minimum permit application requirements are as follows:

1. Completed and signed Short-term Rental permit application form. Applicants are required to respond to all inquiries in a form created to carry out the application process.
2. Paid permit fee. The fee for a Short-term Rental permit application shall be \$200.
3. Proof of insurance. The property owner shall maintain an up-to-date certificate of insurance documenting that insurance policy for the property covers its use as a Short-term Rental. A copy of the certificate of insurance shall be provided.
4. Fire & Building. The proposed Short-term Rental shall have smoke detectors and carbon monoxide detectors inspected by the Fire Marshall. Proof of inspection and adequacy of smoke and carbon monoxide detectors shall be submitted.
5. Health. The proposed Short-term Rental shall test its water supply for potability using a lab certified in the State of Connecticut. Test results affirming the water supply's potability shall be submitted.
6. Information Packet. (See Section 4.B).

### **Section 4 – Requirements, Conditions, and Required Conduct for all Short-term Rentals.**

#### A. Points of Contact.

1. Primary Point of Contact. The owner of a Short-term Rental shall designate a Primary Point of Contact for issues arising at the Short-term Rental. The owner of a Short-term Rental may be the Primary Point of Contact. The Primary Point of Contact may be expected to respond to phone calls twenty-four (24) hours per day, seven (7) days per week and take immediate remedial action to address issues arising at a Short-term Rental.
2. Alternative Point of Contact. The owner of a Short-term Rental shall designate an Alternative Point of Contact for issues arising at the Short-term Rental. The owner of a Short-term Rental may be the Alternative Point of Contact if not already the Primary Point of Contact. The Alternative Point of Contact may be expected to respond to phone calls twenty-four (24) hours per day, seven (7) days per week in the absence of the Primary Point of Contact and take immediate remedial action to address issues arising at a Short-term Rental.

**B. Information Packet.** An Information Packet shall be prepared and submitted as part of an application package. The Information Packet shall be available to renters of a Short-term Rental. The Information Packet shall consist of:

1. Maximum allowed occupancy (see Section 4.C).
2. Noise and use restrictions.
3. Location(s) of off-street parking area(s).
4. Location(s) of trash receptacles.
5. Primary Point of Contact and Alternative Point of Contact information.
6. Explanation of the renters' responsibility not to trespass on adjoining private property.
7. Explanation of the renters' responsibility not to create a disturbance perceptible off-property.
8. Notification of the renters' responsibility to comply with this ordinance.

**C. Occupancy Limit.** The maximum occupancy shall be prescribed at the time of application by the Short-term Rental Enforcement Officer. The maximum occupancy of the Short-term Rental shall be the lesser of the number of sleeping spaces, twelve (12) persons, and any other occupancy limits imposed by a third-party rental agency or online platform, the fire code, or the Short-term Rental Enforcement Officer based on the nature of the Short-term Rental. Children under the age of three (3) years do not count toward the occupancy limit.

**D. Restrictions on Use.** Short-term Rentals are meant to provide temporary lodging in a residential setting. Short-term Rentals may not be used for any of the following purposes:

1. Receptions for weddings or other gatherings and/or receptions.
2. Banquets, fundraisers, or events sponsored by a business or other agency, such as corporate retreats.
3. Concerts.
4. Parties, including but not limited to bachelor/bachelorette parties and reunions, which create a perceptible off-site impact to other properties. Such off-site impact includes loud noise, trespass, or lewd behavior.

**E. Parking.** Guests of a Short-term Rental shall not park on the public street and shall only party within any off-street parking area servicing the Short-term Rental property.

**F. Nuisances.** Disruptive noise is prohibited. It is the intent of this ordinance to allow Short-term Rentals to occur in a manner consistent with the quiet nature of the Town of Bozrah's residential areas.

**G. Compliance with Other Ordinances and Regulations.** Properties used as a Short-term Rental shall be in good standing with all other town ordinances and regulations, including the Zoning Regulations.

**H. Inspection.** A Short-term Rental is subject to inspection by the Short-term Rental Enforcement Officer, with a minimum twenty-four (24) hour notice to the owner of the Short-term Rental. Such inspections may be made to determine compliance with this Ordinance.

## **Section 5 – Administration.**

**A. Permit Application Process.** An application for a Short-term Rental permit must be made by the owner(s) of the property as evidenced by the records of the Tax Assessor.

**1. Review by the Short-term Rental Enforcement Officer.** The Short-term Rental Enforcement Officer shall review all permit applications received, including all supporting documentation required by this Ordinance, and render a decision on the application within fifteen (15) days of date the application is filed at the Bozrah Town Hall.

**2. Application Approval.** A permit application may only be approved if it meets the requirements of this Ordinance. The Short-term Rental Enforcement Officer may request additional information from the applicant if such information is needed to determine the permit application's consistency with this Ordinance. After a permit is issued by the Short-term Rental Enforcement Officer, a Short-term Rental shall remain in compliance with the terms of this ordinance.

**3. Application Denial.** A permit application may be denied on the following grounds:

- a. Insufficient information is received within the fifteen- (15) day decision period. Such denial shall be without prejudice and an applicant may re-apply for a permit with additional information requested by the Short-term Rental Enforcement Officer.
- b. The proposed Short-term Rental does not meet one or more requirements of this Ordinance.
- c. The applicant is delinquent on property taxes for the subject property.
- d. The subject property has outstanding zoning, wetlands, health code, building code, or fire code violations.

**B. Violations.** The Short-term Rental Enforcement Officer is charged with enforcing this ordinance. The Short-term Rental Enforcement Officer may revoke a permit for a Short-term Rental found to be in violation of the provisions of this Ordinance. The Short-term Rental Enforcement Officer may commence legal action and/or issue fines in order to remediate a violation of this Ordinance. Additionally, any person who violates any provision of this ordinance may receive a citation and be fined Two Hundred Fifty (\$250.00) Dollars. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.

**C. Operating without a Permit.** A Short-term Rental in operation without a permit is unlawful and found to be in violation of this Ordinance.

**D. Severability.** If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

**E. Conflict.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**REGULAR MEETING  
TOWN OF BOZRAH  
PLANNING AND ZONING COMMISSION  
December 10, 2020**

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00 PM, on Thursday, December 10, 2020. The meeting was held via Zoom video/teleconference.

Members present: Stephen Seder (Chairman), Scott Barber (Vice Chairman), Nancy Taylor, Manny Misarski, Steve Coit (alt.).

Members absent: Steve Gural, Seymour Adelman (alt.), Frank Driscoll (alt.).

Others present: Glenn Pianka (Board of Selectmen), Katey DeCarli (ZEO/WEO/CHA Assoc.), Sam Alexander (Town Planner/SCCOG).

Chairman Steve Seder called the meeting to order at 7:00 PM. Mr. Seder appointed Steve Coit to sit in place of Steve Gural.

1. Review and approve the minutes of the November 12, 2020 regular meeting:

Nancy Taylor made a motion to accept the November 12 minutes as presented. Manny Misarski seconded the motion.

**VOTE UNANIMOUS – MOTION APPROVED**

2. Review correspondence pertaining to agenda items:

*Correspondence received and sent regarding short-term rentals are discussed below.*

3. Hear the report of the Zoning Enforcement Officer:

Katey DeCarli, P.E. (ZEO/WEO) discussed her staff report and Commissioners were able to ask questions.

Ms. DeCarli explained that she received a letter from residents of Gager Road regarding the property being used as a short-term rental on Airbnb.com. The residents asked for Ms. DeCarli to use the zoning regulations to help correct issues related to noise, trespass, issues with parking, and other nuisances arising from the property's status as a short-term rental. Ms. DeCarli replied to the residents explaining that adopting an ordinance is the preferred course of action for the town. The response letter also indicated that the residents may take a civil action against the owner of the property.

Ms. DeCarli discussed other aspects of her report and answered questions. Ms. DeCarli discussed next steps in Town of Bozrah v. Haugh. Katey DeCarli explained that she and the Town Planner have been fielding inquiries about 410 Salem Tpke.

There was discussion regarding parking at 44 and 46 Lebanon Road. Mr. Sam Alexander (Town Planner) will look at the files. Ms. Taylor asked about whether or not the use discussed at the last meeting, a salon, could be accommodated on the septic system. Mr.

Alexander stated that he believed that Uncas Health District considers such things when issuing licenses.

4. Short-term rental ordinance:

Sam Alexander explained that a draft ordinance was prepared. Following a discussion with the Town Attorney, Mr. Alexander felt it was premature to discuss the ordinance in detail due to the fact that a Town Meeting on the subject may not be held, due to Executive Orders by the Governor. Scott Barber asked about fees. Mr. Alexander explained that appropriate fees for building and fire inspections were incorporated into the overall fee declared in the ordinance.

5. Year-end discussion of Planning & Zoning topics:

Steve Seder asked the Commission for an assessment of activities in the past year and asked if they would like to bring up any topics. The Commission generally felt that the year was successful, especially considering circumstances of the COVID-19 pandemic.

Scott Barber spoke about ensuring alignment of the Commission's planning goals with the Board of Selectmen. Mr. Barber spoke about the need for water on Route 82. Glenn Pianka (Board of Selectmen) echoed Mr. Barber's comments about inter-board/commission cooperation. There was discussion about the need for an Economic Development Commission, and whether or not the goals of such a commission could simply be pushed forward by both the Planning & Zoning Commission and the Board of Selectmen, in cooperation with the Inland Wetlands & Conservation Commission.

6. Adopt 2021 meeting schedule:

Sam Alexander explained that the draft 2021 meeting schedule includes an alternate day of the second Wednesday (11/10) in November, in place of the typical November meeting day because of a conflict with Veterans' Day.

Manny Misarski made a motion to approve the meeting schedule as presented. Scott Barber seconded the motion.

**VOTE UNANIMOUS – MOTION APPROVED**

7. Public comment period:

*There was none.*

8. Review general correspondence:

*There was none.*

9. Such other business as the Commission may vote to hear:

Sam Alexander reminded the Commission that a public workshop was to be scheduled in January per the plan of work for the affordable housing plan, which is being drafted in compliance with state law. Mr. Alexander proposed that a public zoom session be held on Thursday, January 28<sup>th</sup> to gain input into the plan. Mr. Alexander will brief the Commission on specifics of the workshop at the January 14<sup>th</sup> meeting.

Scott Barber mentioned that he felt the draft short-term rental ordinances should be brought to the public for comment sooner rather than later and suggested discussion at a Board of Selectmen's meeting. Glenn Pianka discussed the possibilities for legislation and stated that perhaps the Connecticut Conference of Municipalities or the Council of Small Towns could advocate for such legislation. Sam Alexander suggested bringing the topic to other members of the Southeastern Connecticut Council of Governments, and see if any other municipalities are dealing with the same thing and if there is interest in pushing legislation.

Scott Barber made a motion to adjourn. Nancy Taylor seconded the motion.

**VOTE UNANIMOUS – MOTION APPROVED**

The meeting was adjourned at 8:01 PM.

Respectfully submitted,  
Samuel Alexander (acting secretary)  
Town Planner/SCCOG