

## Proposed Short Term Rental Law Town of Gardiner

### Section 1 PURPOSE

The purpose of this local law is to allow permitted residents of the Town of Gardiner to take advantage of the economic benefits of short-term rentals (STR) of residential land and housing units while protecting all residents of the Town from harm to the character of neighborhoods and community. Further, this local law seeks to ensure that the value of our housing stock is based on its residential value and not on a return on investment associated with STRs and affordability of housing stock and that the law is consistent with the Town's Comprehensive Plan goals and recommendations including:

Maintain the rural character – environment, visual, acoustic, privacy and social – of the Town of Gardiner by ensuring Home Occupations on Residential Properties do not diminish the quality of Gardiner's neighborhoods or the housing choices for each level of income in the community.

Encourage revenue producing land uses and provide sufficient incentives for creative development while also supporting tourism as an important part of the local economy and encouraging the growth of Gardiner's local retail-services.

Protect the public health, welfare and safety in concert with the requirements of Emergency Services.

### Section 2 INTENT AND AUTHORITY

This Local Law is intended to apply to all existing and future residential land and housing uses and to multi-family housing units. Further, this Local Law is intended to protect Gardiner's local housing stock by requiring short-term rentals only in primary residences.

This chapter is not intended to regulate uses such as lodging facilities, bed and breakfast establishments, time-share units, rooming houses, nursing homes, halfway homes or rehabilitation homes. Residential units rented on a month-to-month basis or annual basis, pursuant to a valid lease agreement are also excluded.

This Local Law is adopted in accordance with Articles 9 and 16 of Town Law of the State of New York which grants the Town of Gardiner the authority to enact local laws for the purpose of promoting the health safety and welfare of the Town,

and in accordance with Municipal Home Rule Law, Article 2, Section 10 that gives the Town of Gardiner the power to protect and enhance its physical environment.

The Town Board authorizes the Code Enforcement Officer to issue permits to property owners to operate short term rental units per the provision of this local law. Applications for a permit to operate a short-term rental unit shall be processed under the procedures set forth in this local law.

To the extent an ambiguity of meaning arises in fulfillment of this local law, the Purpose and Intent described shall guide the decision making.

Good Neighbor Brochure – A welcoming document prepared by the Town Board for STR occupants as a means to facilitate the success of the STR and the guests experience by sharing the general rules of community conduct, private property considerations and the safety of residents and guests.

Host – A designated adult over the age of 21 years who lives within a 10-mile distance from the STR property and is required to be available and authorized to promptly deal with emergencies and other STR guest issues and compliance with STR operating requirements, in the Owner’s absence. Such authorization must be on file with the Town and with the appropriate Fire/Rescue Service.

Primary Residence – A person’s dwelling where they usually live, typically a house or an apartment. A person can only have one primary residence at any given time, though they may share the residence with other people. A primary residence is considered to be a legal residence for the purpose of income tax and/or acquiring a mortgage.

Short Term Rental - A dwelling unit that is rented in whole or part, to any person or entity for a period of less than 30 consecutive nights, and is not regulated by any other section of the Code of the Town of Gardiner. “Rental” means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Property owners seeking to operate a Short-Term Rental must apply for and receive from the Town of Gardiner a Short-Term Rental Registration Permit and post the Gardiner Registration Number on all on-line listings. Registrations are good for (2) calendar years for Primary Residences that are owner occupied STR’s and (1) calendar year for Primary Residences that are non-owner occupied STR’s. The total number of properties owned by or in which

an interest is held by an individual person(s) or entity offering STRs is limited to one (1) owner occupied Primary Residence.

Non-Owner-Occupied Short-Term Rental (STR) – A supplementary business in a private home or habitable accessory structure in which the entire private residence is rented for less than 30 days and no host/owner is present, and in which no public restaurant is maintained, and no other commercial services are offered. STR non-owner-occupied establishments must have a designated local Host as defined herein; and must comply with the other STR Standards. Non-Owner Occupied STRs can operate for 150 days each calendar year.

#### Section 4 Application Process or Short-Term Rental Regulations

A. Permit Required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
2. Owner Occupied STR's need to provide a completed bi-annual permit application and fee, as designated by the Town Board by Resolution.
3. Non-Owner Occupied STR's need to provide a completed annual permit application and fee, as designated by the Town Board by Resolution.
4. All permits will expire on December 31<sup>st</sup> whether annual or bi-annual.
5. All STRs must provide a safety/egress plan, to be posted in rental unit in a visible location and on the back of each bedroom door.
6. A parking layout plan identifying where parking is to be located is required and shall accommodate sufficient parking for tenants and residents. The parking shall include 1 parking space per bedroom plus 1 additional space. Parking design and placement shall be accommodated off-street and shall not restrict access for fire and safety vehicles. For properties with shared driveways, the parking must allow access to other property owners using the same driveway.
7. All STRs must provide a waste removal plan. Garbage shall not be allowed to remain outside for a period greater than 24 hours at curbside and shall be placed within a container. Property owner shall be responsible for clean-up of any garbage strewn by animals.
8. All STRs must consider exterior lighting to encourage lighting that conserves energy and resources while providing safety, utility and security;

minimizes glare; protects the privacy of residences; reduces atmospheric light pollution; and enhances the Town's nighttime ambiance and historic character.

- B. 1. For non-owner occupied STR's, the name and contact information of the designated Host shall be provided to the Building Department and shall be posted in the STR. Host shall be provided to the Building Department and shall be posted in the STR. Both the property owner and the Host will be responsible for addressing renter issues and compliance with STR requirements within 24 hours. When host contact information changes the Building Department will be notified and STR posted Renter Notices shall be revised accordingly.
  2. Property shall be locatable on GPS and Address location shall be clearly marked on the property.
  3. Advertising the property as an STR at the site is not permitted.
- C. STR's must register with Ulster County (per Ulster County Local Law #5 of 1991) and a copy of said registration is to accompany STR Applications to the Town of Gardiner Building Department.
  - D. STR's must pass a yearly fire/safety inspection and the report of said inspection is to be attached to STR annual renewal permit applications. All STR units must comply with NYS Building Code requirements and shall have no open violations.
  - E. STR shall be limited to Single Rentals (multiple rentals simultaneously are not permitted) per home.
  - F. The STR establishment shall not have more than ten occupants as lodgers and limited to a maximum capacity of 2 guests per bedroom. Children 12 years old and under and not counted as guests.
  - G. Complaints and Violations issued by the Town of Gardiner CEO will be considered at annual renewal. Three (3) Violations within any 12-month period or portion thereof will be grounds for permit termination.
  - H. Only the property owner is permitted to register an STR. An individual property owner can register or have an interest in one (1) non-owner occupied STR unit. This must be the primary residence. Registrations are not transferable.

- I. Hosts will provide guests with copies of local laws, pertaining to noise, fire, safety requirements. Emergency contact information as well as a 911 address of property shall be clearly identifiable.
- J. A property map that clearly depicts the property boundaries shall be provided. Street address of property shall be clearly identifiable from the street and shall be posted in a visible location on the bedroom door.
- K. Approved STR's will be assigned a registration number that must be included in all rental listings, both print and on-line and posted within the STR.
- L. Exterior advertising is prohibited.
- M. Temporary Structures, Tents, Trailers and RV's are not contemplated in this regulation and are prohibited for the purpose of STR.
- N. STR are prohibited in multi-family dwellings.
- O. STR shall be permitted in all Zoning Districts with the exception of the CLI and SP 2 and SP 3.
- P. Failure to comply with these standards may result in denial or revocation of STR Applications/Permit.
- Q. Three or more violations of this Local Law may lead to revocations of an approved STR operating permit and fines. Property owner shall not be permitted to reapply for a new STR permit for a period of 6 months after revocation.
- R. For a first violation, the Town Board may, in its discretion, merely issue a warning to the property owner or may suspend the right to conduct short term rentals at the subject property for a period of up to six (6) months from the date of the Town Board's determination, depending on the circumstances, severity and nature of the violation, taking into consideration whether the violation was committed knowingly or intentionally and/or presented a risk to public safety.
- S. The Town Board shall establish by resolution annual fees, penalties for non-compliance and violations, and may establish the maximum number of permits issued by the Gardiner Code Enforcement Officer. This resolution may be amended or changed by the Town Board as needed.

## Section 5 PERMIT APPLICATION PROCESS

- A. Applications for STRs shall be made by the property owner and such application shall include authorization for the Town Code Enforcement Officer to enter the premises for purposes of a safety and compliance inspection.
  
- B. In issuing a short-term rental permit, the Town Code Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of this Local Law and the Town Zoning Law and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community.

## Section 6 PERMIT DENIAL

- A. The Code Enforcement Officer may decline an application for any of the following reasons:
- B. If the application is incomplete, the documentation required by this chapter was not included with the application or the full permit fee, in payment form acceptable to the Town Clerk, was not included with the application.
- C. If the Town of Gardiner had revoked a previously issued a short-term rental permit and the conditions of the revocation have not been met.

## Section 7 FEES AND REPORTING

The Town Board of the Town of Gardiner shall annually establish the fee structure for permit applications and any related fees as may be determined by the Town Board to be necessary.

## Section 8 COMPLIANCE, HEARINGS and PENALTIES

Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Gardiner, Ulster County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this chapter. The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- A. The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.

- B. The contact person shall, as soon as possible, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
- C. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.
- D. If the Town Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstances:
  - 1. Attach reasonable conditions to the existing short-term rental permit;
  - 2. Suspend the short-term rental permit; and
  - 3. Revoke the short-term rental permit.

## Section 8 ZONING AMENDMENT

Chapter 220 Zoning, is hereby amended as follows:

Section 220-10 Use table and Use Districts shall be amended by adding a new use category entitled Short Term Rentals, which shall be permitted, subject to issuance of a permit by the Gardiner Building Department, under the heading ACCESSORY USES, and shall be added under residential uses as Permitted in applicable districts.

## Section 9 – EFFECTIVE DATE

This law shall become effective upon the filing with the Secretary of the State of New York.