

3 September 2019

Local Law No. __ of 2019, entitled:

“Short-Term Rentals”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Section 105 of Chapter 250 of the Town Code is hereby amended by adding the following new or revised definitions:

Accessory Dwelling Unit – A dwelling unit having its own exterior or interior entrance which is subordinate to, and located on the same Lot as, the principal residence. An Accessory Dwelling Unit may or may not be located within the principle residence. See §250-29, Accessory Dwelling Units.

Dwelling – A house or other building designed or used primarily for human habitation. The word “Dwelling” shall not include Camping Vehicles, Motels, Hotels, Barns or other structures designed for transient or temporary residence. A bus is not construed to be a dwelling.

Lodger – Any person other than the owner or, if the owner is not a natural person, the ultimate beneficial owner, and such owner’s immediate family who contracts with the owner(s) of a Short-Term Rental to occupy such Short-Term Rental for a fee or compensation, monetary or otherwise.

Short-Term Rental – Any Dwelling or Accessory Dwelling Unit which is occupied by a Lodger for which a fee or compensation, monetary or otherwise, is received by the owner(s) in exchange for temporary occupancy for a period of 30 consecutive nights or less, which shall include but not be limited to rentals facilitated by such companies as Air BnB, VBRO, Flipkey, etc. The definition does not apply to permitted Bed and Breakfast Establishment, Hotel, Motel, or Camp or Campground”.

2. Chapter 250 of the Town Code is hereby amended by adding a new Section 250-

69.1, which shall read as follows:

§250-69.1 Short-Term Rentals

A. Purpose and Objectives. It is the intent of this section to recognize the desire of some property owners to rent their Dwelling or Accessory Dwelling Unit, [or part thereof](#), on a short-term basis and establish appropriate regulations for the use of Short-Term Rentals in order to protect the public health, safety, and general welfare of the people of the Town and to further achieve the following beneficial purposes:

- (1) The protection of the residential character of the Town.
- (2) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well being, of persons occupying Short-Term Rentals and neighboring properties.
- (3) To minimize public safety risks and the noise, trash, and parking problems often associated with Short-Term Rentals without creating additional work for local law enforcement.
- (4) The preservation of the value of land and Buildings throughout the Town.

B. Applicability.

- (1) The requirements of this section shall apply to all Short-Term Rentals operating in the Town after the effective date of this section. [All Short-Term Rentals shall comply with all applicable New York State and Dutchess County regulations.](#)

C. Permitting Requirements.

[\(1\) Short-Term Rentals occupied by a Lodger five \[5\] or fewer separate rental periods per calendar year for 20 nights or fewer in the aggregate per calendar year must register the Short-Term Rental with the Zoning Enforcement Officer using the “Short-Term Rental Registration Form” \(Appendix A\)](#)

[\(2\) Owners of Short-Term Rentals that are occupied by a Lodger more than five \[5\] separate rental periods per calendar year or more than 15 nights in the aggregate per calendar year must](#) first obtain a Special Use Permit from the Planning Board.

[\(3\) Short-Term Rental permit applications \(Appendix B\)](#) shall contain the following information

- a. The name, address, email, and twenty-four hour telephone number of the owner(s).
- b. The name, address, email, and twenty-four hour telephone number of [the local manager](#) in charge [of the property](#) if different from the owner(s).
- c. The owner(s) of the property shall provide the Town with satisfactory proof that the septic system has been inspected and is in working condition, and that the tank was pumped within three [3] years of the owner’s application. The owner(s) shall maintain the Short-Term Rental property’s septic system on a pumping schedule of not more than every three [3] years, and provide the Town satisfactory proof of compliance upon its request, or permit application renewal.
- d. Copies of current Dutchess County Hotel Occupancy Tax Certificate of Registration.

e. Proof of one million dollars (\$1,000,000) liability and personal injury coverage provided by the Short-Term Rental facilitator (Air BnB, VRBO, etc.). If insurance coverage is not provided by the Short-Term Rental facilitator, proof of the following insurance coverage: (1) A rider on a homeowner's policy that expressly covers short-term rentals and provides a minimum of one million dollars (\$1,000,000.00) liability and personal injury coverage; or (2) A commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of one million dollars (\$1,000,000.00) liability and personal injury coverage.

e. Signatures of both the owner(s) and the local person in charge.

f. Trespass waiver signed by the owner(s) allowing access to the property for the Zoning Enforcement Officer for the purpose of inspection to verify compliance with this chapter.

g. A simple site plan, including driveways and parking areas.

h. A short narrative describing the owner(s) intention for the Short-Term Rental. This could include the expected rental nights per year, number of lodgers, and whether or not the Short-Term Rental will be owner occupied.

(4) Short-Term Rental permits are limited to one permit per owner(s) or, if the owner is not a natural person, the ultimate beneficial owner.

(5) Any Special Use Permit issued to a Short-Term Rental under this section shall require renewal by the Planning Board no later than each anniversary of such issuance. To obtain a renewal the owner(s) must request the renewal in writing from the Planning Board at least 90 days prior to such anniversary. Within thirty days after receipt of a renewal request, the Zoning Administrator shall issue a written report to the Planning Board stating whether or not the Short-Term Rental is (and to the knowledge of the Zoning

Administrator has in the past been) in compliance with the terms of [its](#) Special Use Permit and the Zoning Law. The Planning Board shall have the discretion to amend the Special Use Permit or deny renewal for good cause shown, and may, in its discretion, hold a public hearing in connection with any renewal request. The Zoning Administrator shall notify the owner([s](#)) of a Short-Term Rental of any complaints received by the Zoning Administrator regarding such Short-Term Rental property within [fourteen \(14\)](#) days of such receipt and may, in appropriate circumstances, direct the owner([s](#)) to cease and desist from conducting operations of the Short-Term Rental until a complaint had been addressed or remediated.

(6) An annual fee, due at initial approval and then upon each annual renewal of the Special Use Permit, shall be paid to the Town in an amount to be set by resolution of the Town Board and shall at least be sufficient in the opinion of the Town Board to reimburse the Town for all expenses incurred by the Town as a result of the related Short-Term Rental, or expected to be so incurred by the Town during the period of the Special Use Permit or its renewal.

(7) In the event of non-payment of the annual fee, or other violations of the Zoning Law (including without limitation the failure to renew the Special Use Permit on time), the Zoning Administrator is authorized to issue a cease and desist order prohibiting further operation of the Short-Term Rental.

(8) If modifications are to be made to a Short-Term Rental existing at the effective date of this section and such modifications require a Building Permit and/or Planning Board approval, then the owner([s](#)) of the Short-Term Rental must renew the Short-Term Rental permit before housing any Lodgers during or following such modifications.

(9) Special Use Permits are nontransferable. If the owner([s](#)) of a Short-Term Rental changes, the new owner(s) must complete a new Special Use Permit

application before renting out any part of the Short-Term Rental and must pay the annual fee.

D. General Requirements.

(1) A Short-Term Rental may only be offered in a Dwelling or Accessory Dwelling Unit that is in lawful use for residential habitation.

(2) The Planning Board shall determine the maximum number of Lodgers allowed in any Short-Term Rental and the maximum number of [daytime visitors](#) permitted at any one time, taking into account the features of the Dwelling or Accessory Dwelling Unit, the proximity of adjoining residences, the potential for noise or other disruptions to the neighborhood, and the safety of all residents and Lodgers. The maximum number of Lodgers permitted in any Short-Term Rental shall in no case exceed two [2] adults per bedroom intended for Lodger's use, or [12](#) Lodgers for the entire Short-Term Rental, whichever is less. The maximum number of [daytime visitors](#) permitted at any one time [shall not exceed](#) the maximum number of Lodgers. [Daytime visitors are permitted between the hours of 7:00 a.m. and 11:00 p.m.](#)

(3) One [1] off-road parking space must be provided per bedroom intended for Lodger's use.

(4) The owner(s) of a Short-Term Rental must include a copy of §250-28, General Performance Standards, in the rental contract for every Lodger. The same must be posted in a common area of the Short-Term Rental. The owner(s) shall use best efforts to assure that Lodgers do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate such section or other provisions of the Town Code or any state law pertaining to noise or disorderly conduct. The owner(s) shall, upon notification that Lodgers have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Town

Code or any state law, promptly use best efforts to prevent a recurrence of such conduct by those Lodgers.

(5) A Short-Term Rental shall not advertise the availability of the Short-Term Rental in any area [on the lot](#) that is exterior to the Short-Term Rental.

(6) A Short-Term Rental shall not have any signs indicating it is a Short-Term Rental or other outside appearance indicating a change of use from the surrounding residential uses.

(7) All Short-Term Rentals shall have a clearly visible and legible notice posted within the Short-Term Rental on or adjacent to the front door containing the following information:

a. The name of the owner^(s) of the Short-Term Rental or the person in charge and a telephone number at which that party can be reached on a twenty-four-hour basis.

b. The 911 address of the Short-Term Rental.

c. The maximum number of Lodgers permitted to stay in the Short-Term Rental and the maximum number of day^{time} [visitors](#) permitted at any one time.

d. The [requirement that all lodgers and visitors must park in the available parking areas](#) on such Lot and not in or along any public roadway or on any lawn or vegetated area on such Lot.

e. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the Lot.

f. Notification that Lodgers are required to make the [premises](#) available for inspection by the Zoning Enforcement Officer upon request.

(8) All Short-Term Rentals shall be equipped with the following:

- a.** Smoke detectors in each bedroom.
- b.** Smoke detectors outside each bedroom in common hallways.
- c.** Smoke detectors on each floor.
- e.** GFI outlets [for all](#) outlets [that are](#) located within six feet of a water source.
- f.** Aluminum or metal exhaust from dryer.
- g.** Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood burning stove is in the Short-Term Rental.
- h.** Carbon monoxide detector if garage is attached.
- i.** Fire extinguisher in kitchen conspicuously located.
- j.** Stairs, [porches, and decks, both](#) indoor and outdoor, [in](#) good condition.
- k.** Any other occupancy requirements, which may be added by ordinance revision by the Town Board of the Town, [Dutchess County, or New York State](#).