

29 July 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 principle 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 and used primarily for human habitation. The word “dwelling” shall not include camping vehicles, hotels, motels or other structures designed for transient or temporary residence. A bus is not construed to be a residence.

Lodger – Any person other than the owner or their immediate family who contracts with an owner of a dwelling unit to occupy such dwelling unit, for compensation, for periods of 30 consecutive days or less. This definition shall not apply to “Bed and Breakfast”, “Boarding House”, “Rooming House”, “Hotel”, “Motel”, or “Camp or Campground”, as defined herein.

Short-Term Rental - Any housing or dwelling unit(s) which are occupied by a Lodger other than the owner or their immediate family for which a fee or compensation, monetary or otherwise, is received by the owner or landlord in exchange for temporary occupancy for a period of 30 consecutive days or less, which shall include but not be limited to rentals provided by such companies as Air BnB, VBRO, and Flipkey. The definition does not apply to “Bed and Breakfast”,

“Boarding House”, “Rooming House”, “Hotel”, “Motel”, or “Camp or Campground”, as defined herein.

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 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.

This article is not intended to regulate hotels, motels, inns, bed-and-breakfast establishments and rooming houses, campgrounds, and Bed and Breakfast establishments approved under § 250-33. Residential units rented on a month-to-month basis or annual basis, pursuant to a valid lease agreement, are also excluded.

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, excluding housing or dwelling units occupied by a lodger five [5] or fewer separate rental periods per year.

C. Permitting Requirements.

(1) No owner of any property in the Town of Clinton shall operate a Short-Term Rental without first obtaining a Special Use Permit from the Planning Board. Operation of a Short-Term Rental without such Special Use Permit is a violation of this chapter. A permit will only be issued to the owner of a Short-Term Rental property

(2) Short-Term Rental permit applications shall contain the following information

- a.** The name, address, email, and twenty-four hour telephone number of the owner.
- b.** The name, address, email, and twenty-four hour telephone number of the person in charge if different from the owner.
- c.** If the Short-Term Rental is a multi-unit dwelling, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals.
- d.** The owner 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 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 it's request, or permit application renewal.

e. Copies of current Dutchess County Hotel Occupancy Tax Certificate of Registration.

f. Signatures of both the owner and the local person in charge.

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

(3) Any Special Use Permit issued to a Short-Term Rental under this section shall require renewal by the Planning Board on each anniversary of such issuance (and upon written request by the applicant which must be received at least 90 days prior to such anniversary) occurring more than six months after the effective date of this section. 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 venue is (and to the knowledge of the Zoning Administrator has in the past been) in compliance with the terms of the 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 of a Short-Term Rental of any complaints received by the Zoning Administrator regarding such Short-Term Rental property within 30 days of such receipt and may, in appropriate circumstances, direct the Short-Term Rental to cease and desist from conducting operations until a complaint had been addressed or remediated.

(4) 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.

(5) 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.

(6) Existing Short-Term Rental dwellings that make modifications to the housing or dwelling unit requiring a building permit and/or Planning Board approval are required to renew the Short-Term Rental permit before housing any Lodgers.

(7) Special Use Permits are nontransferable. If the owner 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 dwelling unit for a 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 a single-family residential habitation.

(2) The Planning Board shall determine the maximum number of Lodgers allowed in any Short-Term Rental and the maximum number of day guests permitted at any one time, taking into account the features of the Dwelling or Accessory Dwelling, 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, whichever is less. The maximum number of day guests permitted at any one time will be fifty percent [50%] of the maximum number of Lodgers.

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

(4) The owner of a Short-Term Rental must include a copy of §250-28, General Performance Standards, in the rental contract. The same must be posted in a common area of the Short-Term Rental unit. The owner shall use best efforts to assure that Lodgers do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Town Code or any state law pertaining to noise or disorderly conduct. The owner 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 pertaining to noise or disorderly conduct, 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 unit in any area that is exterior to the Dwelling or Accessory Dwelling unit where the rental is occurring.

(6) A Short-Term Rental property shall not have any 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 dwelling unit on or adjacent to the front door containing the following information:

a. The name of the owner of the unit 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 property.

- c.** The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
- d.** The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
- e.** The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property.
- f.** Notification that short-term rental occupants and guests are required to make the dwelling unit 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 outlets 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.
- h.** Carbon monoxide detector if garage is attached.
- i.** Fire extinguisher in kitchen conspicuously located.
- j.** Stairs (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 of Clinton.