

Local Law No. 4 of 2024, entitled:

“Amendment to Short-Term Rentals”

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

1. Section 69.1 (Short-Term Rentals) of Chapter 250 (Zoning) of the Town Code is hereby amended by deleting the existing Section 69.1 and replacing it with a new Section 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) Preserving the residential character of the Town;
 - (2) Ensuring the safety, general welfare and health of persons occupying Short-Term Rentals and neighboring properties;
 - (3) Mitigating risks to public safety and other potential detrimental impacts, including excessive noise, increased traffic, improper trash disposal, and inadequate parking facilities;
 - (4) Protecting property values throughout the Town; and
 - (5) Limiting Nonhosted Short-Term Rentals in the Town.
- B. Applicability.** All Hosted Short-Term Rentals operating in the Town at the time of, or after the effective date of, this Section shall apply for a Short-Term Rental Certificate. All Nonhosted Short-Term Rentals issued Special Use Permits prior to the adoption of this Section shall be Nonconforming Uses. No Special Use Permits shall be issued for Nonhosted Short-Term Rental applications submitted on or after the effective date of this Section. Existing Special Use Permits which have not expired may be renewed in accordance with this Section. Failure to do so shall be a violation of this Section. All Short-Term Rentals shall comply with all applicable Town Code, Dutchess County, New York State, and federal regulations.
- C. Hosted Short-Term Rental permitting requirements.**
- (1) All Hosted Short-Term Rentals must apply for a Short-Term Rental Certificate using the application form provided by the Town and pay the application fee set by Resolution of the Town Board. A Short-Term Rental Certificate approving the use of a Dwelling or Accessory Dwelling unit as a Hosted Short-Term Rental must be issued by the Municipal Code Enforcement Inspector prior to utilizing any Dwelling or Accessory Dwelling Unit as a Hosted Short-Term Rental.
 - (2) A Short-Term Rental Certificate is effective for one year from the date of issuance.

- (3) A Short-Term Rental Certificate issued under this Section shall require renewal by the Municipal Code Enforcement Inspector no later than each anniversary of such issuance. The owner(s) must request the renewal in writing from the Municipal Code Enforcement Inspector at least 30 days prior to such anniversary. Failure to do so may result in the expiration of the Short-Term Rental Certificate. Within 10 days after receipt of a renewal request, the Municipal Code Enforcement Inspector shall review whether the Short-Term Rental is in compliance with the terms of its Short-Term Rental Certificate. The owner(s) shall be afforded a fourteen (14) day grace period from the date the Short-Term Rental Certificate expires to correct any compliance issues discovered during the Municipal Code Enforcement Inspector's compliance review. The Municipal Code Enforcement Inspector shall have the discretion to renew, amend, or deny the renewal of the Short-Term Rental Certificate for good cause shown, which may include considerations of violations of the Town Code at the Dwelling or Accessory Dwelling Unit as well as considerations of noise (see § 250-28), disorderly conduct, or public safety at the Dwelling. If the Municipal Code Enforcement Inspector finds the property to not be in compliance with this Section, the Municipal Code Enforcement Inspector shall deny the application or renewal and the applicant shall have the right to appeal such determination to the Zoning Board of Appeals in accordance with the provisions of this Chapter.
- (4) Upon transfer of ownership, the new owner(s) must inform the Municipal Code Enforcement Inspector, in writing, of the ownership change before continuing to use the Dwelling or Accessory Dwelling Unit as a Short-Term Rental. The name(s), address(es), phone number(s) and email address(es) of the new owner(s), along with that of their duly authorized agent(s), must be promptly provided to the Municipal Code Enforcement Inspector. The new owner(s) must renew at the expiration of the current Short-Term Rental Certificate in order to continue the use of the Dwelling or Accessory Dwelling Unit as a Short-Term Rental.
- (5) In addition to the required application fee, an annual fee, due upon each annual renewal of the Short-Term Rental Certificate, must be paid to the Town in an amount to be set by Resolution of the Town Board. The failure to pay required fees shall be a violation of this Section.
- (6) Copies of the current Dutchess County hotel occupancy tax certificate or proof that such tax is collected by the Short-Term Rental Platform will be required to receive a Short-Term Rental Certificate.

D. Nonhosted Short-Term Rental renewal requirements.

- (1) Any Special Use Permit issued to Nonhosted Short-Term Rentals prior to the adoption of this Section shall be in effect for one year from the date of the Special Use Permit issued by the Planning Board or one year from the date of the previous renewal issued by the Municipal Code Enforcement Inspector. Thereafter, a Special Use Permit shall require renewal by the Municipal Code Enforcement Inspector no later than each anniversary of such issuance. The owner(s) of the Dwelling Unit must request the renewal in writing by submitting a renewal request application on the form provided by the Town to the Municipal Code Enforcement Inspector at least 30 days prior to such anniversary. Failure to do so may result in the expiration of the Special Use Permit. Within 10 days after receipt of a renewal request by the Municipal Code Enforcement Inspector, the Municipal Code Enforcement Inspector shall review whether the Short-Term Rental is in compliance with the terms of its Special Use Permit and the provisions of the Town Code, and send a report to the duly appointed Town Board liaison to the Municipal Code Enforcement Inspector. The Municipal Code Enforcement Inspector's report shall also include violations of the Town Code at the Dwelling Unit. The owner(s) shall be afforded a fourteen (14) day grace period from the date the Special Use Permit expires to correct any compliance issues discovered during the Municipal

Code Enforcement Inspector's compliance review. The Municipal Code Enforcement Inspector shall have the discretion to renew, amend, or deny the renewal of the Special Use Permit for good cause shown which may include but is not limited to considerations of open violations of the Town Code at the Dwelling Unit as well as considerations of noise (see § **250-28**), disorderly conduct, or public safety at the Dwelling Unit. If the Municipal Code Enforcement Inspector finds the property to not be in compliance with this Section, the Municipal Code Enforcement Inspector shall deny the application or renewal and the applicant shall have the right to appeal such determination to the Zoning Board of Appeals in accordance with the provisions of this Chapter.

- (2) An Accessory Dwelling Unit used as a Short-Term Rental is a Hosted Short-Term Rental and shall be regulated in accordance with Section 250-69.1 C. above. An Accessory Dwelling Unit is not permitted to be used as a Nonhosted Short-Term Rental.
- (3) An annual fee, due upon each annual renewal of the Special Use Permit, must be paid to the Town in an amount to be set by Resolution of the Town Board. The failure to pay required fees shall be a violation of this Section and will result in the expiration of the Special Use Permit.
- (4) Structural modifications requiring a Building Permit and/or Planning Board approval made to a Dwelling Unit being utilized as a Nonhosted Short-Term Rental must be issued a Certificate of Occupancy prior to housing any Lodgers.
- (5) Nonhosted Short-Term Rentals are limited to two per ultimate beneficial owner(s), regardless of the number of properties owned. Ultimate beneficial owner(s) shall be the individual(s) who hold an ownership interest in the entity who is the legal owner(s) of the property where the Short-Term Rental is located, i.e. the shareholder(s) of a corporation or the members of a limited liability company (LLC).
- (6) If the ownership of a Dwelling Unit used as a Nonhosted Short-Term Rental changes, the new owner(s) must inform the Municipal Code Enforcement Inspector, in writing, of the ownership change before continuing to use the Dwelling Unit as a Short-Term Rental. The name(s), address(es), phone number(s) and email address(es) of the new owner(s), along with that of their duly authorized agent(s), must be promptly provided to the Municipal Code Enforcement Inspector. The new owner(s) may renew at the expiration of the current Special Use Permit. The failure of the new owner(s) to notify the Municipal Code Enforcement Inspector within sixty (60) days of a change in ownership will result in the expiration of the Special Use Permit.
- (7) A Nonhosted Short-Term Rental shall be a Nonconforming Use and shall be regulated in accordance with Section 250-81. No Special Use Permits shall be issued for Nonhosted Short-Term Rentals applications submitted on or after the effective date of this Section. Existing Special Use Permits which have not expired may be renewed in accordance with this Section. For the purposes of clarification all applications for Nonhosted Short-Term Rental Special Use Permits pending as of the effective date of this Section shall be reviewed, processed and considered in accordance with the version of Section 250-69.1 in effect at the time such application was submitted.

E. 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. Short-Term Rentals shall be permitted in all Zoning Districts, other than Office-Light Industry "I" or Floodplain "F".

- (2) The Municipal Code Enforcement Inspector 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 capacity of the septic system or cesspool, 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 occupancy of the Short-Term Rental is limited by the number of bedrooms, as indicated in the Certificate of Occupancy, allowed for the size of the septic tank or cesspool and leach or absorption area, as set forth in the regulations of the NYS Department of Health, Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems or cesspools. The maximum number of daytime visitors permitted at any one time shall not exceed the maximum number of permitted Lodgers in the Dwelling or Accessory Dwelling Unit used as a Short-Term Rental. Daytime visitors are permitted between the hours of 7:00 a.m. and 11:00 p.m.
- (3) One off-road parking space, not located on the Lot's lawn or vegetated area, must be provided per bedroom intended for Lodgers' use.
- (4) The owner(s) of a Short-Term Rental must provide a copy of § **250-28** of the Town Code, General Performance Standards, to every Lodger; and if the owner(s) and the Lodger(s) execute a rental contract include such provision in the rental contract. A copy of § **250-28** of the Town Code must be posted in a conspicuous common area of the Short-Term Rental. The owner(s) of the Dwelling or Accessory Dwelling Unit shall use best efforts to ensure that Lodgers do not create noise or disturbances, engage in disorderly conduct, or otherwise violate § **250-28** or any other provisions of the Town Code or any state law pertaining to noise or disorderly conduct. The owner(s) of the Dwelling or Accessory Dwelling Unit shall, upon notification from the Municipal Code Enforcement Inspector or Building Inspector that Lodgers have created noises or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Town Code, or any county or state law, promptly use best efforts to cease and prevent a recurrence of such conduct.
- (5) A Short-Term Rental shall not advertise the availability of the Short-Term Rental in any front, rear or side yard of a Lot. No advertisements regarding the Use of the Dwelling or Accessory Dwelling Unit as a Short-Term Rental shall be visible from the exterior of the Dwelling or Accessory Dwelling Unit. A Short-Term Rental shall not have any signs indicating it is a Short-Term Rental or other outside appearance indicating such Use.
- (6) All Short-Term Rentals shall post a clearly visible notice within the Dwelling or Accessory Dwelling Unit on or adjacent to the front door of the Dwelling or Accessory Dwelling Unit which contains the following information:
- (a) The name of the owner(s) of the Short-Term Rental and/or their authorized local agent and a telephone number at which each can be reached on a twenty-four-hour basis.
 - (b) The 911 address of the Short-Term Rental for fire and/or medical emergencies.
 - (c) The maximum number of Lodgers permitted to stay in the Short-Term Rental and the maximum number of adult daytime visitors.
 - (d) The requirement that all Lodgers and visitors to the Dwelling or Accessory Dwelling Unit 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) Instructions on the handling of trash and notification that trash and refuse shall not be left or stored on the exterior of the Lot, unless in a sealed trash receptacle.
 - (f) Emergency evacuation instructions, with a drawing of the floorplan of the premises showing ingress and egress locations included.
- (7) All Dwellings and Accessory Dwelling Units used as Short-Term Rentals must comply with the following requirements:
 - (a) All provisions and requirements of the Uniform Code, as amended.
 - (b) Contain smoke and carbon monoxide detectors in appropriate locations as required by the Uniform Code, as amended.
 - (c) Contain GFCI outlets in appropriate locations as required by the Uniform Code, as amended.
 - (d) For Dwellings and Accessory Dwelling Units that have laundry facilities, a metal dryer exhaust to the exterior of the Dwelling or Accessory Dwelling Unit.
 - (e) Contain at least one ten-pound ABC-type fire extinguisher on each floor of the Dwelling or Accessory Dwelling Unit. Such fire extinguisher(s) shall be conspicuously located and be certified as having been duly and timely inspected.
 - (f) All stairs, porches, and decks, both indoor and outdoor, shall be properly illuminated and safe, as required by the Uniform Code.
 - (g) The entrance to the driveway on the Lot upon which the Dwelling or Accessory Dwelling Unit is located must contain a reflective four-inch-high address number posted three feet high and visible from both directions.
- (8) As a prerequisite to granting or renewing a Short-Term Rental Certificate or a Short-Term Rental Special Use Permit, the Municipal Code Enforcement Inspector must be allowed access to the Dwelling or Accessory Dwelling Unit for the purpose of verifying compliance with the provisions of the Town Code.
- (9) If the property upon which the Dwelling or Accessory Dwelling Unit is located is served by a private septic system or cesspool, the owner must provide a septic or cesspool inspection report every two years, dated within 90 days of the date of the application or renewal, stating the septic system or cesspool was adequately functioning for the intended use at the time of inspection. A failing report will require a new passing inspection report.
- (10) If the property upon which the Dwelling or Accessory Dwelling Unit is located has a chimney, the owner must provide a report dated within 90 days of the date of the application or renewal, stating the chimney is in working order or has been capped and is no longer functioning.

F. Enforcement.

- (1) Upon the discovery of any violation of this § **250-69.1**, the Municipal Code Enforcement

Inspector is authorized to issue an Order to Remedy and/or Stop Order in accordance with § **250-89E** and **F** of the Town Code prohibiting the further use of the Dwelling or Accessory Dwelling Unit as a Short-Term Rental. The Municipal Code Enforcement Inspector is also authorized to issue an appearance ticket for violations of this Section in accordance with § **250-89G** of the Town Code.

- (2) Any violation of this § **250-69.1** shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in § **250-102**. Enforcement proceedings may be commenced in Town of Clinton Justice Court by the Municipal Code Enforcement Inspector, the Attorney for the Town or Town Attorney. Any enforcement action must be authorized pursuant to a Town Board Resolution. Additionally, upon the approval of the Town Board, the Municipal Code Enforcement Inspector and/or the Town Attorney or Attorney for the Town are also authorized to commence a suit in any court of competent jurisdiction to enjoin the use of the Dwelling or Accessory Dwelling Unit as a Short-Term Rental, as well as seek monetary damages, fines and penalties.
- (3) A violation of this Section is hereby declared to be a Violation Zoning Enhanced, punishable as set forth in Chapter **137**, Fines and Penalties.

2. Section 105 (Definitions) of Chapter 250 (Zoning) of the Town Code is hereby amended by deleting the existing definition of “Nonhosted Short-Term Rental” and replacing it with a new definition which deletes the term “Accessory Dwelling Unit” and shall read as follows:

NONHOSTED SHORT-TERM RENTAL. A Short-Term Rental exclusively occupied by a Lodger(s), without the owner occupying the Dwelling Unit with all or part of the Dwelling Unit available to a Lodger(s).

2. Attachment 1 – Schedule of Use Regulations to Chapter 250 (Zoning) of the Town Code is amended to add Hosted Short-Term Rentals and Nonhosted Short-Term Rentals as Accessory Uses in accordance with the updated Attachment 1 - Schedule of Use Regulations attached hereto and made part hereof.
3. Section 1 (Schedule of Fines) of Chapter 137 (Fines and Penalties) of the Town Code is hereby amended by updating the fines and penalties under the heading entitled “Violation Zoning Enhanced” as follows:

| Type of Violation | Offense | Min Fine | Max Fine | Max Imprisonment |
|----------------------------|-----------------|----------|----------|------------------|
| Violation Zoning Enhanced | First | \$2,000 | \$3,000 | NONE |
| (Classified as misdemeanor | Second Within 5 | \$3,000 | \$5,000 | NONE |

| | | | | |
|--|--|---------|----------|------|
| under NY Town Law § 268 for Jurisdictional Purposes <u>Only</u>) | Years Third or More Within 5 Years | \$5,000 | \$10,000 | NONE |
|--|--|---------|----------|------|

Each week's continual violation shall constitute a separate additional violation.

5. The Town of Clinton Fee Schedule shall be revised to increase the fees charged for Short-Term Rental applications and renewals to the following figures:

Nonhosted Short Term Rental Special Permit Renewal \$350

Hosted Short-Term Rental Certificate \$275

Hosted Short-Term Rental Renewal \$175

6. The invalidity or unenforceability of any Section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other Section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

7. This Local Law is adopted pursuant to § 261-263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.

8. To the extent that any provision of this chapter is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions under the Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.

9. This Local Law shall take effect immediately upon filing with the Secretary of State.

