

# A LOCAL LAW REGULATING SHORT-TERM RESIDENTIAL RENTALS UNITS IN THE TOWN OF HORICON

## ARTICLE 1. PURPOSE AND INTENT: AUTHORITY

### **PURPOSE AND INTENT**

The purpose and intent of this Local Law is to establish the means to secure the health, safety, and welfare of property owners, residents, and the public regarding the operation of Short-Term Residential Rental businesses.

### **AUTHORITY**

This Local Law is adopted pursuant to New York Municipal Home Rule Law.

## ARTICLE 2. DEFINITIONS

As used in this Local Law, the following words shall have the meanings indicated:

**DWELLING UNIT** – ONE OR MORE ROOMS WITH PROVISION FOR LIVING, COOKING, SANITARY AND SLEEPING FACILITIES ARRANGED FOR THE USE OF ONE FAMILY OR HOUSEHOLD.

**RENTAL** – GRANTING USE OR POSSESSION OF A DWELLING UNIT IN WHOLE OR PART TO A PERSON OR GROUP IN EXCHANGE FOR SOME FORM OF VALUABLE CONSIDERATION.

**SHORT-TERM RENTAL HOST** - A PERSON OR ENTITY IN LAWFUL POSSESSION OF A SHORT-TERM RESIDENTIAL RENTAL UNIT WHO RENTS SUCH UNIT TO GUESTS IN ACCORDANCE WITH THIS LOCAL LAW.

**SHORT-TERM RENTAL PERMIT** – A PERMIT REQUIRED TO OPERATE A SHORT-TERM RESIDENTIAL RENTAL UNIT IN THE TOWN OF HORICON, AS SET FORTH IN THIS LOCAL LAW AND ADMINISTERED BY THE ZONING AND PLANNING OFFICE.

**SHORT-TERM RESIDENTIAL RENTAL UNIT**- AN ENTIRE DWELLING UNIT, OR A ROOM, GROUP OF ROOMS, OTHER LIVING OR SLEEPING SPACE, OR ANY OTHER SPACE WITHIN A DWELLING, MADE AVAILABLE FOR RENT BY GUESTS FOR LESS THAN THIRTY CONSECUTIVE DAYS, WHERE THE UNIT IS OFFERED FOR TOURIST OR TRANSIENT USE BY THE SHORT-TERM RENTAL HOST OF THE RESIDENTIAL UNIT. THIS DOES NOT INCLUDE A BED AND BREAKFAST, CAMPGROUND, HOTEL, MOTEL, BOARDING HOUSE, INN, RESORT, TRAVEL TRAILER CAMP, OR GUEST COTTAGE AS DEFINED IN THE TOWN OF HORICON ZONING LOCAL LAW.

**SHORT-TERM RESIDENTIAL RENTAL PROPERTY** – THE ENTIRE AREA WHICH IS UNDER THE OWNERSHIP OR CONTROL OF THE SHORT-TERM RENTAL HOST INCLUDING, AS APPLICABLE, THE PARCEL OF LAND ON WHICH A SHORT-TERM RESIDENTIAL RENTAL IS LOCATED TOGETHER WITH THE DWELLING UNIT IN WHICH IT IS LOCATED AND ANY OTHER STRUCTURES ON THE PARCEL. THIS MAY ALSO INCLUDE COMMON/JOINTLY OWNED PARCELS AS DEFINED IN THE SHORT-TERM RESIDENTIAL RENTAL PROPERTY DEED.

**TOWN OF HORICON ZONING AND PLANNING OFFICE** – ALL PERSONS APPOINTED OR DESIGNATED BY THE TOWN BOARD INCLUDING THE ZONING ADMINISTRATOR, ZONING CLERK, OR DESIGNATED AGENTS AUTHORIZED BY THE TOWN BOARD TO ENFORCE THE CODES AND ORDINANCES OF THE TOWN OF HORICON.

### ARTICLE 3. PERMIT REQUIRED

A. A Short-Term Rental Host shall obtain a revocable Short-Term Rental Permit whenever the Dwelling Unit is to be used as a Short-Term Residential Rental Unit.

B. A Short-Term Rental Permit shall be obtained prior to using the Dwelling Unit as a Short Residential Rental Unit.

C. A Short-Term Rental Permit is non-transferrable. If a Short-Term Residential Rental is sold or otherwise transferred, the new owner must apply for and obtain a Short-Term Rental Permits in their name prior to any use of the Dwelling Unit as a Short-Term Residential Rental by the new owner. Buyers under contract for the purchase of a Short-Term Residential Rental Property may apply for a Short-Term Rental Permit as a prospective owner in the same matter as set forth herein, with issuance of the Permit conditioned upon the buyers' closing of title to the property.

D. A Short-Term Rental Permit is valid for 2 years and shall expire on the 31<sup>st</sup> day of December of the second year it is in effect and must be renewed every two (2) years thereafter for as long as the Dwelling Unit or portion thereof is used as a Short Residential Rental Unit.

E. The number of Short-Term Rental Permits allowed by this Local Law is set by the Town Board to a maximum of 135, townwide (approximately 7.5% of all dwelling units in the Town). A waitlist will be maintained and entities on the waitlist will be notified when a Short-Term Rental Permit is available.

## ARTICLE 4. PERMIT APPLICATION PROCEDURE

A. Upon the filing with the Zoning Office of a Permit Application, Permit Fee and all documents required, the Zoning Administrator shall have thirty (30) days to review the application and either issue a Short-Term Rental Permit, with or without conditions, or notify the applicant in writing that the application has been denied and state the reason or reasons for denial. All issued Permits shall bear the signature of the Zoning Administrator.

B. If the Zoning Administrator believes that information provided with regard to the Short Residential Rental Unit and/or Short-Term Residential Rental Property is inaccurate, they shall notify the Short-Term Rental Host and arrange with the Short-Term Rental Host to physically inspect the proposed Short-Term Residential Rental Property to verify the application information. Failure on the part of the Short-Term Rental Host to allow entrance onto the Property shall terminate the application process.

C. The Zoning Administrator may impose reasonable conditions and restrictions which are directly related and incidental to the use of the Short-Term Residential Rental Unit so long as such conditions and restrictions are consistent with the requirements of this Local Law, Town Zoning Local Law, or other Town Ordinances, and are imposed for the purposes of maintaining safety or minimizing any adverse impact the proposed Short-Term Residential Rental Unit may have on the community or neighborhood.

D. The Zoning Administrator may deny a Short-Term Rental Permit application for any of the following reasons:

1. If the application form is incomplete or required documents are not provided.
2. If the application fee is not provided.
3. If a Short-Term Rental Permit for the Property was revoked within the previous year.
4. If a physical inspection of the proposed Short-Term Residential Rental Property, reveals that information provided in the application is not factual or the Property is not in compliance with the requirements for Short-Term Residential Rentals as described in the Short-Term Residential Rental Requirements and Standards in Article 6.

## ARTICLE 5. SHORT-TERM RENTAL PERMIT APPLICATIONS REQUIREMENTS

An application for a Short-Term Rental Permits or renewal shall be:

A. Made on a form provided by the Zoning and Planning Office and submitted to the Zoning Administrator and signed by all persons that have an ownership interest in the proposed Short-Term

Residential Rental Property and/or all representatives of entities that have an ownership interest in the proposed Short-Term Residential Rental Property;

B. Accompanied by:

1. Payment of the Short-Term Rental Permit fee, as set by resolution of the Town Board.
2. A copy of the vesting deed or other document showing how title to the proposed Short Residential Rental Unit is held. If the Short-Term Residential Rental Property is subject to a deed restriction(s), covenant or any rules and regulations of a Home Owner's Association (HOA) limiting, restricting or prohibiting rental occupancies, an applicant shall be required to provide a written HOA approval or written waiver of deed restrictions(s), covenant or HOA rule.
3. Proof of a satisfactory inspection of the Short-Term Residential Rental Property by the Warren County Department of Fire Prevention and Building Codes at the Short-Term Rental Host's expense; and which proof sets forth the maximum overnight occupancy for the Short Residential Rental Unit as determined by Warren County Department of Fire Prevention and Building Codes. This requirement will not be necessary for renewal permits unless the application seeks to increase occupancy from the prior permit.
4. Proof of a satisfactory septic inspection conducted at the Short-Term Rental Host's expense by a NYSDEC licensed septage waste transporter conducted no more than one year prior to the initial application. Inspector must certify there is a treatment system, there is no discharge of effluent directly or indirectly to the ground's surface with surface breakouts, ponding, or saturated soil areas, there are no direct pipes visible discharging grey water, and there is no backup of sewage into the dwelling. This requirement will not be necessary for renewal permits unless the application seeks to increase occupancy from the prior permit.
5. Proof of Certificate of Authority issued by the Warren County Treasurer's Office authorizing collections of the Warren County Occupancy Tax for Short-Term Residential Rentals.
6. A site plan of the proposed Short-Term Residential Rental Property (not required to be professionally drawn) showing all building locations and off-street parking area(s).
7. A list of the proposed Short-Term Residential Rental Hosts including names, addresses, telephone numbers and e-mail addresses.
8. The name, address and telephone number of a local primary Contact Person who shall be available during the entire time that the Short Residential Rental Unit is being rented. The Contact Person who is authorized by the owner to act on their behalf must respond in less than one-half (1/2) hour.

## ARTICLE 6. SHORT-TERM RENTAL PERMITS REQUIREMENTS AND STANDARDS

Short-Term Residential Rental Units shall comply with the following requirements:

- A. A Short-Term Residential Rental Property shall not be rented to more persons than the occupancy load as determined by the Warren County Department of Fire Prevention and Building Codes for such habitable space. In no case shall maximum occupancy exceed the provisions of the New York State Department of Health regulation (Appendix 75A) residential onsite wastewater treatment system specifications where the Short-Term Residential Rental Property is serviced by a septic system.
- B. The current Short-Term Rental Permit shall be posted inside the Short-Term Residential Rental Unit whenever it is rented and shall be visible upon entry.
- C. Rules and regulations imposed by the Short-Term Rental Host shall be posted in a conspicuous location at the Short-Term Residential Rental Unit premises and readily accessible to the renters/occupants. The content and intent of these rules and regulations is to assure public health, safety, and general welfare by promoting a clean, wholesome and attractive environment for the owner's property, adjacent property owners and the neighborhood.
- D. The Short-Term Residential Rental Host shall make available a copy of their current Short-Term Rental Permit, if requested by any nearby residential property owner within a 250' radius of the boundaries of the Short-Term Residential Rental Property.
- E. A garbage collection plan shall be in place during rental periods. Garbage containers shall be secured with tight fitting covers to prevent leakage, spillage, odors, and attracting wildlife. Curbside garbage pickup containers shall be removed from roadways within 12 hours of pickup. A schedule of the Town of Horicon Transfer Station hours shall be provided with the Short-Term Rental Permits.
- F. A Short-Term Residential Rental Property shall provide off-street parking with at least one space for every four (4) guests.
- G. A Short-Term Residential Rental Property shall be operated in accordance with all special conditions imposed specific to the Permit.
- H. A Short-Term Residential Rental Property shall have an E911 house number sized and placed to be highly visible from the street or road.
- I. The Short-Term Rental Host must provide accurate information to the Zoning Office regarding any changes from the information originally supplied at the time of Application.

J. No tent, canopy, travel trailer, motorhome, camper, yurt, vessel, motor vehicle or temporary structure shall qualify for use or occupancy as a Short-Term Residential Rental Unit in the Town of Horicon.

K. The operation and appearance of a Short-Term Residential Rental Property shall not interfere with the residential character of the premises, including the surrounding properties or the neighborhood. No “FOR RENT” advertisement signs shall be permitted at the Short-Term Residential Rental Property.

L. No firework displays shall be permitted at a Short-Term Residential Rental Property.

## ARTICLE 7. ENFORCEMENT & PENALTIES

A. The Town Zoning Administrator and the Warren County Fire Prevention and Building Codes Department shall be granted access to the Short-Term Residential Rental Property upon reasonable request for the purpose of inspection and/or enforcement of compliance with this Short-Term Residential Rental Local Law and/or State and Local Codes.

B. A Short-Term Rental Permit, may be revoked, suspended or reasonably conditioned according to the following:

1. The Zoning Administrator shall issue a written Notice of Violation to the Short-Term Residential Rental Property Host by certified or registered mail with return receipt requested for the first or second violation of this Local Law or the terms of a Short-Term Rental Permits.

- The Notice of Violation shall specify the violation, what actions must be taken to remedy the violation, and provide for a reasonable time in which to remedy the violation.
- If a property owner fails to remedy the violation within the timeframe specified, the Zoning Administrator may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.

2. For a third or any subsequent violation of this Local Law or the terms of a Short-Term Rental Permit, the Zoning Administrator shall issue a written Notice of Violation and may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.

- The Notice of Violation and any determination of the Zoning Administrator to revoke, suspend or condition an existing Short-Term Rental Permit shall be provided to the Short-Term Residential Rental Property Hosts in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.

3. The Zoning Administrator may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Local Law or

the terms of a Short-Term Rental Permit which poses a threat to the health, safety or welfare of any occupants or the general public.

- In the case of an immediate suspension or revocation, the Zoning Administrator shall notify the Short-Term Rental Property Host in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.

4. A Short-Term Rental Property Host may appeal a determination of the Zoning Administrator to suspend, revoke or condition a Short-Term Rental Permit no later than thirty (30) days after the mailing of notice of the determination.

- The appeal must be made in writing to the Town Clerk and such appeal shall be heard by the Town Board at a regularly scheduled Town Board Meeting. During the time following submission of an appeal and prior to the decision of the Town Board, the determination of the Zoning Administrator shall be stayed.
- At the hearing the Town Board shall accept evidence offered by the Short-Term Rental Host, any complaining parties, the Zoning Administrator and any other witness with relevant evidence.
- The Town Board shall make its determination within ten (10) days after the hearing, and may uphold, reverse or modify the Zoning Administrator's determination.
- The Town Board's determination shall be provided to the Short-Term Rental Property Host in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.

5. If a Short-Term Rental Permit is revoked, no Short-Term Rental Permit may be obtained for the subject property for a year following least one the revocation.

C. Penalties. Any person or entity who shall violate any provision of this Local Law, any order made hereunder, or any rules or regulations adopted pursuant to this Local Law in addition to other penalties provided for in this Local Law shall be guilty of an offense punishable in the following manner:

1. A fine of not more than \$200 for the first offense; and
2. A fine of not more than \$500 for a second offense; and
3. A fine of not more than \$950 for a third or any subsequent offense.

D. The Zoning Administrator and/or authorized assistants or deputies shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Local Law.

E. A civil action or proceeding in the name of the Town of Horicon, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law or any rule or regulation adopted pursuant to hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.

F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, or in any other applicable law.

- Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section Local Law.
- The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Town of Horicon Zoning and Planning Office determines that a violation has occurred.

## ARTICLE 9. ORDINANCE APPLICATION AND SAVINGS CLAUSE

Upon the enactment of this Local Law, it is intended that the requirements hereof and the rules and regulations promulgated in furtherance hereof, shall apply to all pre-existing or currently operating Short-Term Residential Rental Properties. This savings clause and its application shall expire on December 31, 2026.

## ARTICLE 8. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

## ARTICLE 9. EFFECTIVE DATE

This Local Law shall take effect upon filing with the office of the New York State Secretary of State or (Month Day, Year), whichever date is later.

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