

LOCAL LAW 2 OF 2022
TOWN BOARD
TOWN OF SAUGERTIES
LOCAL LAW ADDING CHAPTER 194, SHORT TERM RENTALS

BE IT ENACTED by the TOWN BOARD of the TOWN OF SAUGERTIES, ULSTER COUNTY, NEW YORK as follows:

SECTION I. TITLE.

This Local Law shall be known as the "Short Term Rental Law" enacting a permitting process for same.

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town Law. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town Law, the Town Board hereby asserts its intent to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

The purpose of this Local Law is to enact a permitting process for Short Term Rentals through the creation of Chapter 194, Short Term Rentals of the Town of Saugerties Code.

In order to protect the health, safety and welfare of the Town and its residents, it is necessary to regulate the rental of homes for use as short-term rentals to ensure these dwellings meet New York State Uniform Fire Prevention and Building Code. The Town Board finds that the short-term rental of residential housing can operate similarly to a commercial business use, and if unregulated can be incompatible with the intent of residential districts in the Town, potentially impacting residential community character and neighborhood safety. Further, the Board finds that the Local Law seeks to maintain housing choice for permanent residents by prohibiting the short-term rental of two-family and multifamily dwellings.

SECTION V. CHAPTER 194.

A. Chapter 194 shall be added to the Town of Saugerties Code as follows:

"§194-1, Legislative Findings and Intent.

A. The Town Board recognizes that short-term rentals can be a benefit to the Town and residents by allowing homeowners to supplement their income to defray the cost of housing, to remain in the community and enjoy the ability to age in place. In addition, owner-occupied short-term rentals provide lodging for visitors and tourists to the Town.

In order to protect the health, safety and welfare of the Town and its residents, it is necessary to regulate the rental of homes for use as short-term rentals to ensure these dwellings meet New York State Uniform Fire Prevention and Building Code. The Town Board finds that short-term rentals are linked to increases in housing costs and a decrease in housing availability for full-time

residents in the Town of Saugerties. The Town Board further finds that the short-term rental of residential housing can operate similarly to a commercial business use, and if unregulated can be incompatible with the intent of residential districts in the Town, potentially impacting residential community character and neighborhood safety.

§194-2, STR Permit Qualifications.

- A. Short term rentals (STR) are required to receive an operating permit from the Town of Saugerties Building Department. An application shall be accompanied by a fee in an amount set forth in the Fee Schedule for the Town of Saugerties. Operating without a permit shall constitute a violation of this section resulting in the payment of fines as outlined in §194-4 of this chapter. A STR is qualified to receive a permit only if it satisfies the following criteria:
1. Only single-family homes and/or permitted accessory apartments on the same tax parcel, shall be permitted to receive a Short-Term Rental Permit. Accessory apartments shall conform to the regulations of §245-17 and maintain a certificate of occupancy from the Building Department, unless exempted.
 2. Short term rentals shall not be permitted for two-family or multifamily units.
 3. Only the property owner is permitted to register a STR. An individual STR permit shall be required for each qualifying property.
 4. Transfer of title. A STR permit is not transferrable between property owners. Upon transfer of title, the new record owner shall apply for a new STR permit as outlined in this chapter.
 5. STR's must pass a yearly fire/safety inspection and the report of said inspection is to be attached to the STR permit and annual renewal applications. All STR units must comply with NYS Building Code requirements and shall have no open violations upon permit renewal.
 6. 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 permit applications to the Town of Saugerties Building Department.
 7. Permit applications shall contain the following information:
 - a. The name and contact information of the property owner and/or its designated host.
 - b. A general partnership, limited liability partnership or a limited liability company must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided to the code enforcement department within thirty (30) days of change. The guest capacity of the structure to be rented, which shall be based on the bedroom capacity calculation contained in §404.4.1 of the Maintenance Code of New York State (2020) or as may be amended.
 - c. A parking plan shall be provided to the Building Department demonstrating that safe and adequate off-street parking can be accommodated on site at a rate of at least one parking space per bedroom. Parking spaces shall be at least nine feet wide by 18 feet long. An aerial image of the property may be requested by the Building Department to demonstrate compliance with this section.

- d. An STR permit shall indicate if the property is served by well and septic or community water and sewer. STR's on wells must provide the results of a well water quality test performed at a licensed facility to receive a permit, and upon annual renewal.

§194-3, Operational Requirements for STR Permits.

- A. STR permit holders shall adhere to the following requirements when operating a short-term rental:
 1. STR permits are valid for twelve (12) months from the date of issuance and must be renewed annually by the property owner.
 2. The property owner or the designated host will be responsible for addressing concerns, complaints, and compliance with STR requirements as soon as possible but no longer than 2 hours from the time of notification.
 3. Events such as weddings, concerts or parties using amplified sound or hosting more than the guest capacity outlined in the STR permit are prohibited. Use of a STR for such events shall constitute a violation of this chapter.
 4. Quiet hours shall be from 10:00 pm to 7:00 am. Three or more noise complaints, supported by police reports, shall constitute a violation of the STR permit.
 5. If the information submitted in the application changes, it is the responsibility of the owner to submit such changes in writing to the Building Department within thirty (30) days of the change. Failure to do so shall constitute a violation of this chapter.
 6. The property address must be clearly identifiable from the street and located on the STR structure.
 7. Garbage receptacles must be properly stored in a secure location when not outside for garbage pickup. Bins should be protected against animals such as raccoons or bears. Garbage cans shall not be allowed to remain outside for a period of greater than 24 hours at curbside and shall be kept in an approved container.
 8. A directory of information shall be provided in a visible location in the STR. The directory and the permit application shall include the following information:
 - a. Safety information, including fire and safety requirements and contact information;
 - b. Emergency contact information, including contact information for the owner(s) or designated host(s);
 - c. A safety/egress plan posted in the rental unit in a visible location;
 - d. The designation of quiet hours from 10:00 pm to 7:00 am;
 - e. Instructions for garbage removal including how and when to dispose of solid waste and recyclables;

- f. A property map identifying the street address and clearly depicting the STR property boundaries.

§194-4, Enforcement and Violations.

- A. The owner of a property in violation of this section, referenced sections or any other building code requirement shall be subject to the following fines and procedures, including revocation of a STR permit.
 - 1. Failure to comply with the standards set forth in this Chapter will result in violations or the immediate revocation of a STR permit application by the Building Department.
 - 2. Fines. Failure of an short term rental property owner to comply with the requirements of this law either by failure to obtain a permit or failure to comply with the terms of an issued permit shall be punishable by a fine not greater than five hundred (\$500) for the first violation; a second violation within a period of one (1) year of a previous violation shall be punishable by a fine of not greater than seven hundred fifty (\$750) dollars; a third violation, within the same period of one (1) years, shall be punishable by a fine of not less than seven hundred fifty (\$750) nor greater than one thousand (\$1,000) dollars. Each day a violation continues shall be deemed a separate and distinct violation punishable in like manner by imposition of up to a maximum fine for each day of violation.
 - 3. Permit Revocation. Violations issued by the Town Code Enforcement Officer shall be considered at annual permit renewal. A STR permit shall be revoked where three (3) or more violations have been issued within any 12-month period from the date of first issuance and shall be in addition to any applicable fines. Once revoked, a permit shall not be issued sooner than twelve (12) months after the date of revocation.
 - 4. The Town Code Enforcement Officer is authorized to issue an immediate violation. The aggrieved party has the right to appeal to the NYS Supreme Court for an Article 78 proceeding.
- B. Grace period. At the time of adoption of the local law allowing STRs, a property owner operating a short-term rental without a permit, or in violation of the standards set forth herein, shall submit a STR permit application within one hundred twenty (120) days from the date of adoption. Any property owner operating a short-term rental after the said period without having submitted an application for a STR permit shall be in violation of the STR regulations and shall immediately cease such operations until such time that a STR permit is issued.

§194-5, Town Responsibilities.

- A. Registry. The Town Board shall cause a registry to be prepared identifying all properties by property owner, address, and Tax Map-Section-Block-Lot Number, date of issuance of the STR permit, and phone number of property owner or designated host for every property issued a STR permit. The Building Department may, but is not required to, contact the property owner prior to the date of renewal of the STR permit that such permit must be renewed. Failure of the Building Department or designated agent to contact a property owner shall not relieve the STR permittee the responsibility of renewing the permit.

- B. The Town reserves the right to review websites, newspapers, and other media, and to identify any properties which may be operating a STR without a STR permit. The official shall immediately notify the Building Inspector in writing, who shall research and inspect such property to determine whether said property is violating these regulations. Such inspection shall be in writing. Where a violation is found to exist, the property owner shall be notified of such violation and shall be required to cure same.

- C. The Town Board reserves the right to establish a cap or limit for STR permits once per year by resolution, after conducting a public hearing. Said cap or limit on permits must be based on available data related to STR permits and housing in the Town, and a statement of findings must be included in the resolution. Upon institution of a cap or limits on permits, this chapter shall be amended to establish regulations governing the issuance of new and renewed permit requests.

§194-6, Definitions

DESIGNATED HOST

A designated adult who resides within a 15-mile distance from the STR property and is required to be available 24 hours a day to promptly deal with emergencies and other STR renter issues and compliance with STR operating requirements in the owner's absence.

PRIMARY RESIDENCE

A dwelling unit, including permitted accessory structures, in which a property owner (as defined in this section) resides for at least 180 days in the calendar year. This includes permitted accessory apartments located on the same parcel.

NON-PRIMARY RESIDENCE

A dwelling unit including permitted accessory structures, in which a property owner, as defined in this section, resides less than 180 days in the calendar year. This includes accessory apartments located on the same parcel.

PROPERTY OWNER

An individual or group of individuals who legally possess an ownership interest in property, including real property such as a parcel of land or structure thereon. The term "property owner" applies to natural persons and artificial entities including corporations, limited liability companies, partnerships, associations, trustees, property managers, receivers or guardians of estates, mortgagees, lien holders, or other business entities.

SHORT-TERM RENTAL

A supplementary business in a private dwelling or permitted accessory apartment, which is rented in exchange for consideration, monetary or otherwise, by the owner(s) in exchange for temporary occupancy for a period of less than 180 consecutive nights and which is not

otherwise regulated as a commercial or non-residential use, such as a bed-and-breakfast dwelling as defined under the Zoning chapter.”

SECTION VI – SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION VII – EFFECT OF AMENDMENT.

Except as herein modified, Local Law No. of the year 2008, and any subsequent valid amendments thereto, is hereby ratified and confirmed.

SECTION VIII – EFFECTIVE DATE.

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

_____ Supervisor Costello
_____ Councilwoman Thornton
_____ Councilwoman Nau
_____ Councilman Horton
_____ Councilman Ivino