

TOWN OF RHINEBECK

PROPOSED LOCAL LAW NO ___ OF THE YEAR 2020

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

Section 1: Title

This Local Law shall be entitled "A Local Law Amending Town Code Chapter 125, Zoning, in the matter of regulating Short-term rentals (STR) in the Town of Rhinebeck."

Section 2: Amendment to Town Code Chapter 125, Zoning

Potential Location: Chapter 125, Article V – Supplementary Regulations (Section 125-61 currently in reserve?)

Short-term rental (STR) regulations draft for consideration

A. Purpose & Intent Statement: To establish, permit, license and applicable standards and regulations for Short-term rentals, as defined herein, penalties, and fees relative thereto, registration requirements, and other requirements otherwise provided with respect thereto.

B. Definitions: As used in this section, the following terms shall have the meanings indicated. The definitions set forth in Article XIII, Definitions, Section 125-135, of this chapter shall also apply where appropriate.

Short-term rental: The rental, by a lessee, of all or part of a domicile owned by a permanent resident of the Town of Rhinebeck or an accessory dwelling unit permitted for Short-term rental use, for a rental period of less than 30 days per rental, as an accessory use to a primary residence. These rentals may also be commonly referred to as home sharing or vacation rentals.

Domicile: The place where a person has their fixed or legal address, or permanent residence (home), and to where they intend to return if currently residing elsewhere.

Accessory dwelling unit permitted for Short-term rental use: A dwelling unit that is accessory to a domicile on the same parcel as the domicile, or a dwelling unit on an adjacent parcel, where any adjacent parcel dwelling unit must share a common property line with the domicile and be in use as an accessory dwelling unit to the domicile prior to a registration application being submitted.

Local Property Manager or Homeowner: A person, or persons, who is responsible for being on-call 24/7/365 to address any issues that may arise during a stay by visitors to a Short-term rental. This person, or persons, should be capable of addressing physical plant, noise, or other on-site issues and can be a professionally trained or capable of said needs or the homeowner; as long as said person or persons is generally within a 15-minute drive of the property being registered and can adequately address any issues.

(This may not be necessary unless an allowance for rentals are permitted without the resident on-site).

C. Applicability: An annual Short-term rental registration shall be issued to eligible applicants by the Building Department.

- (1) A Short-term rental registration is a privilege, not a right, and such registration may be revoked or refused a renewal based on, but not limited to the following: non-compliance with the requirements of this section or other sections of the Code, complaints, violations, Code Enforcement issues or concerns, or a failed fire safety and property maintenance inspection.

D. Permitting and Approval Requirements & Criteria: A Short-term rental shall meet the conditions specified in this and any other relevant section of the Town Zoning Code.

- (1) Only hosted rentals where a homeowner occupies the registered property (domicile) at the same time as a short-term renter shall be permitted. An unhosted period may be approved, subject to criteria herein.
- (2) A Short-term rental shall be classified as an accessory use (Customary Accessory Use), which shall be determined by the Zoning Enforcement Officer (ZEO) to be a legal accessory use on the property. Upon such review, should the proposed use appear to be more consistent with another use type, such as a Bed & Breakfast, Country Inn 1, Country Inn 2, Hotel, Motel, or other use, the Zoning Enforcement Officer shall have the authority to designate the type of use being applied for as something other than a Short-Term rental and shall refuse the Short-term rental registration application.
- (3) Apartments, rental housing, RVs, mobile structures, tents, barns, boats, tiny homes, vehicles and any other potential rentals not explicitly approved for Short-term rental use shall be prohibited.
- (4) Properties will not provide more than 5 bedrooms for rent at a maximum occupancy of 2 occupants per bedroom. The total number of occupants for a rental home shall be based on a calculation of rental rooms and occupancy as detailed herein. At least one bedroom shall be retained for the exclusive use of the occupant(s) of the domicile.
- (5) Sleeping outdoors/renting outdoor space is prohibited.

- (6) Due to the unique nature of land use and density in the Rhinecliff area of the Town of Rhinebeck, Short-term rentals proposed within the Rhinecliff Overlay (Rc-O) shall require a pre-conference meeting with the Planning Board and Site Plan Review approval to ensure the health, safety and welfare of residents and visitors to this part of the Town is retained.
 - (7) Other than facilities typically provided for in a residential structure (sleeping facilities, bathrooms, kitchen, living space), no other services or activities are permitted.
 - (8) Proof of the property being the owner's domicile is required.
 - (9) The property owner will attest to, complete, sign, have notarized for review a complete registration application.
 - (10) The property owner will sign an affidavit, with a notary seal, stating that only the domicile and permitted accessory dwellings are being rented by the applicant within the Town of Rhinebeck.
 - (11) Fire safety and property maintenance inspections of all Short-term rentals shall be required each time a registration application is submitted. A Short-term rental registration application will not be deemed complete or approved until a fire inspection has been completed and filed with the Building Department. See Section 125-115.A.4.
 - (12) The property owner will attest on the registration application that the wastewater and potable water systems are in good working order and safe for use.
 - (13) All parking must be off-street legal parking spaces or within the driveway area. The maximum number of vehicles permitted must be detailed in any rental advertisement, detailed in any contract or agreement, and be consistent with the actual number of legal parking spaces on a property. No on-street parking is permitted by renters, even for short-term parking.
- Do we need or want to provide a parking requirement - likely related to rooms/head count?*
- (14) All garbage and recycling shall be placed in appropriate receptacles and picked-up on no less than a weekly basis. Should garbage exceed provided capacity in appropriate receptacles, homeowners must provide protected overflow garbage storage space (like an enclosed garage) until such time that it can be properly disposed.
 - (15) No signage advertising or identifying the property as a rental is be permitted. Only common residential identification signage, lettering or numbering shall be permitted.
 - (16) The property owner agrees to and understands that the information provided in the registration application, including but not necessarily limited to their name, property address and any property manager contact information, will be published for public viewing in a Short-Term rental permit registry maintained by the Town.

- (17) If a homeowner will not be on-site/in-residence during every rental, is unsure if they will be on-site/in-residence for every rental, or cannot or is not be willing to address potential issues that could arise with renters – including but not limited to maintenance, excessive noise (Section 125-58 – Noise regulations), or inappropriate behavior, the homeowner must hire a local property manager to be on-call in their absence. This person must generally be able to be on-site within 15 minutes to resolve any issues on behalf of the property owner and is hereby assumed to be a duly authorized representative of the homeowner who will have the authority to take any necessary steps to address issues that arise from a rental or during a rental. Detailed contact information for the property manager must be provided and kept up-to-date in the Town file. See Local Property Manager or Homeowner definition.

(This is drafted assuming unhosted for a set period is permitted for a domicile. It may also be useful just to provide an option for a homeowner to have someone to manage their property for them while they are on-site should they not want to handle rental issues directly)

- (18) Each property owner must provide their contact information on the registration application. This includes, at a minimum, their legal name (no LLC or business ownership name), domicile address, home phone number and an email address for which communication(s), legal notices and other notifications related to the operation of the Short-term rental can be served.
- (19) The owner will maintain an information card, binder or an information packet for easy viewing by lessees that provides local emergency contact information, local property manager/owner information, and rules related to noise, odors, and other disruptive activities as stated in Town of Rhinebeck Code Sections 125-58 (Noise Regulations) and 125-135 (Definition of Noxious Use), and 125-116 (Complaints).
- (20) No property shall be utilized as a Short-term rental without a Short-term rental application approved by the Town of Rhinebeck. Any Short-term rental operation without an approved registration shall be subject to fines as detailed herein.
- (21) An approved Short-term rental of a domicile or approved accessory dwelling unit permitted for Short-term rental use, shall be permitted, subject to approval as part of the registration process, the ability to rent the rental structure as an unhosted Short-term rental for no more than 4 months in any one-year approved registration period. Each rental during the time under an unhosted situation must be documented and provided to the Town at the end of the approved registration period to be eligible for a registration renewal.

(22) Should a Short-term rental be utilized as an [un-approved] – this term dependent on [determination of allowing unhosted for a few months] unhosted rental, the approved registration may be revoked and the homeowner will then be required to re-submit a new registration application after a 365 day revocation period (from the date of filing of the revocation).

(23) A long-term rental, defined as a rental for more than 30 consecutive days that would typically involve a lease or similar rental instrument, is not considered a Short-term rental for the purposes of this section.

E. Registration Revocation or non-renewal: The following details potential situations, but is not an exhaustive list, in which registration could be revoked or renewal denied:

- (1) Complaints. Should rental of a property result in two violations within an approved registration period, the registration will be automatically revoked for 365 days from the date of filing of the 2nd violation. Should two code compliance issues, which may or may not be related to the property being a Short-term rental, be identified within an approved registration period, the approved registration will be automatically revoked for 365 days from the date of filing of the 2nd compliance issue. If a code compliance measure is found to be related to immediate health, safety and welfare of potential guests, residents or the general public, the approved registration may be immediately revoked. Should a rental property create a situation deemed by the Town to be creating a problem, concern, hazard or similar situation such as noise, odors, and other disruptive activities, the Town has the right to deny a future registration renewal request.
- (2) All revocations of an approved Short-term rental registration will be enforced by the ZEO.
- (3) Contact Information Compliance. Failure to provide up-to-date contact information, either during a registration review or during a duly-authorized period where said Short-term rental has been authorized by the Town of Rhinebeck, shall be grounds for revocation of an approved registration.

E. Additional Requirements:

Fees: Fees shall be as follows. Fire Inspection fees are on a sliding scale based on the number of bedrooms to be rented to lessees:

- (1) Registration Application & Filing Fees: \$100 filing fee for a registration application and compliance review plus \$150 per rental bedroom fee. An additional \$150 fee is required for any property that includes a pool or hot tub.

\$100 is the current Bldg. Dept. certificate of compliance fee. The per bedroom fee and pool fee is based on a discussion of a desire to have a tiered fee schedule based on the number of bedrooms.

- (2) Fire Safety & Property Maintenance Inspection: A fire inspection shall be required under the auspices of Section 125-115A.4 each time a registration application is submitted. The cost of said inspection shall be \$100 per hour with a 1 hour minimum.

This is the current Fire Safety & Property Maintenance Inspection fee

- (3) A registration application will not be deemed complete, and thus not considered for approval, until a fire inspection has been completed, approved, and added to the registration application on file with the Town of Rhinebeck.
- (4) Insurance: Liability insurance naming the Town of Rhinebeck as additionally insured for a Short-term rental use on the property must be provided and kept up-to-date during any approved registration period. Failure to provide proof of current liability insurance or to keep said insurance in effect will be a cause for revocation of an approved registration for a period of 365 days from the date of revocation.
- (5) Violations of the code: Violations include, but are not limited to, the use of a structure as a Short-term rental without a permit as required herein, either as a hosted or unhosted Short-term rental. The first violation shall result in a written warning. A second violation shall result in a \$1,000 fine. A third violation shall result in a \$5,000 fine. A fourth, and any additional violations, shall result in a \$10,000 fine for each violation. Four or more violations may result in the Town of Rhinebeck taking more significant measures, as permitted by law.

Section 3: Amendment to Town Code Chapter 125, Section 125-115.A

This section states requirements of fire inspections. It does not currently fit the requirements that we want for Short-term rentals. As such, this section will likely need to be revised to incorporate Short-term rental inspection language. It may be duplicative of language in the STR regs, but we think it makes sense to have the same language in both sections of the code.

A. Amend Article X, Section 125-115.A. by adding an the following regulation as follows:

- (4) Fire safety and property maintenance inspections of all Short-term rentals shall be required each time a registration application is submitted. A Short-term rental registration application will not be deemed complete or approved until a fire inspection has been completed and filed with the Building Department.

Section 4: Amendment to Town Code Chapter 125, Section 125-115.A

A. Amend the District Schedule of Use Regulations – 125 Attachment 2, to add the following definition:

Short-Term Rental: Allowed as a permitted use in all districts

I was hoping to use the Customary Accessory Use definition but it doesn't allow anything in Rhinecliff and I don't want to create an issue for other uses by manipulating the current uses in the table. Therefore, I believe we need to create a Short-term rental use in the Accessory Uses section of the table.

*One related issue - the table uses "Permitted **Principal Use**" which is not what an STR is – i.e. a Principal Use (it also isn't what an Accessory Uses use should be listed as in my opinion). We may need to discuss amending the use table terms and how best to add the STR use.*

Section 5. Supersession

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this Local Law.

Section 6. Severability

If any section or part of this local law is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.