

RESOLUTION #2024-044 to adopt Local Law #1 of 2024 entitled SHORT TERM RESIDENTIAL RENTAL LAW TOWN OF CAROGA.

Offered by Council Member DeLuca

Seconded by Council Member Cooper

WHEREAS, a committee was established at the March 8, 2023 Town Board meeting to recommend a new local law governing Short Term Rentals in the Town of Caroga, and

WHEREAS, the Caroga Town Board desires to ensure that properties that host short-term residential rentals meet the same standards as private residential homes as to life safety and health as codified in the NYS Uniform Fire Prevention and Building Code and other codes, and

WHEREAS, a public hearing on the proposed law was held on February 14, 2024, with the public hearing continuing at the March 13, 2024 board meeting, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to adopt local law #1 of 2024 as follows at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

Section 1. Title

This Local Law shall be entitled: "Short-Term Residential Rental Law of the Town of Caroga."

Section 2. Authority

This law is authorized by the Municipal Home Rule Law of the State of New York.

Section 3. Purpose and Intent

The Town recognizes the economic benefits of short-term rentals. There are positive economic benefits of providing lodging to tourists and other visitors to the Town. Short term rentals are becoming increasingly more prevalent with the growth of internet and social media-based programs connecting property owners and persons seeking short term rentals. The Town also recognizes the impacts short term rentals can cause to neighbors, the neighborhood character, the environment, and the general health, safety and welfare of the Town. These provisions governing short term rental uses are designed to strike a balance. Allowing this use in the Town will allow our Town and community to reap the economic benefits that this type of use can bring.

It is the intent of the Town Board, by enacting this Local Law, to ensure that properties that host short-term residential rentals meet the same standards as private residential homes as to life safety and health as codified in the NYS Uniform Fire Prevention and Building Code, protection of the environment and public sanitation through NYS Department of Health Appendix 75A, protection of the general public health, safety and welfare through the Property Maintenance Code and all other applicable laws, rules and regulations. The intent of this Local Law is to provide a mechanism to ensure that such standards are met and, in any case, where they are not, provide a way to notify the owner of the deficiency and bring the properties into compliance for the safety and well-being of the community. The Town Board does not intend to include currently regulated entities such as cottage colonies, campgrounds, bed and breakfast establishments and the like.

The purpose of this Local Law is to protect the health, safety and welfare of all residents of the Town of Caroga by:

- a) ensuring that short term rental properties are safe for occupants by enforcing minimum standards for life and fire safety as otherwise required by applicable codes;
- b) ensuring on-site wastewater treatment systems meet the minimum standards currently required by Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75-A. thus protecting drinking water wells and our lakes;
- c) ensuring the number of occupants does not exceed the standards of the NYS Property Codes and the NYS Uniform fire code; and,
- d) minimizing risks to public safety and adverse impacts such as improperly disposed trash, parking problems and exceeding the occupancy requirements.

Section 4 Definitions

SHORT-TERM RENTAL (STR): Rental of any dwelling unit, in whole or part, to any person, persons or entity for a period of less than 30 consecutive nights including any residential building or apartment, single- or two-family dwelling, condominium, townhouse. Neither timeshare units, hotels, motels, bed and breakfast establishments and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered to be a short-term rental for purposes of the Land Use Code.

OCCUPANT: Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m.

ACCESSORY DWELLING/ACCESSORY DWELLING UNIT: A separate additional dwelling unit, including separate kitchen, sleeping and bathroom facilities, either attached or detached from a principal , single family dwelling unit on a lot that shall not be used to rent or lease to nonfamily members except for a caregiver serving the needs of the occupant of the attached Single -Family Dwelling.

Section 5. Permit Required

Any lawfully existing dwelling that is rented, leased or occupied by a person or group of people other than the owner and/or his or her family, under the conditions set forth in the definition of "Short Term Rental" in Section 4 hereof, shall require a current rental permit issued by the Code Enforcement Officer. An approved rental permit is valid for a period of twelve (12) months from the date of issue and may be renewed pursuant to the terms of this Section for each successive twelve(12) month period during which rentals take place.

Short-Term Rental Permits are revocable, do not run with the land and are non-transferrable. If a Short-Term Rental is sold or otherwise transferred, the new owner must apply for and obtain a Short-Term Rental Permit in their name prior to any use of the Dwelling Unit as a Short-Term Rental by the new owner. Buyers under contract for the purchase of a Short-Term Rental Property

may apply for a Short-Term Rental Permit as a prospective owner in the same manner as set forth herein, with issuance of the permit conditioned upon the Buyers' closing of title to the property.

Section 6. Application for Rental Permit

The form and content of a short-term rental permit application shall be as determined by the Town of Caroga Code Enforcement Officer and/or the Town Board and shall contain such information as the Code Enforcement Officer and/or Town Board deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:

- (a) The property address and tax map parcel number.
- (b) The total number of dwelling units located on the property.
- (c) The size and number of bedrooms inside each building proposed to be rented;
- (d) A plan showing the location of designated emergency egress and rescue windows to the extent such features are required under current law, code or regulation.
- (e) A signed certification by the property owner(s) attesting to the fact that;
 - (1) to the best of their knowledge the property is fit for human habitation and safe.
 - (2) the owner will comply with all of the conditions and restrictions of the rental permit.
 - (3) no portion of a cellar or attic within the rental area shall be used for habitable space of any kind, unless approved by the Code Enforcement Officer under the same conditions that would allow such use pursuant to the NYS Uniform Fire Prevention and Building Code and Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75A.
 - (4) to the best of the permit applicant's knowledge the property is in compliance with all the provisions of this Local Law, the applicable provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code;
 - (5) the required permits and Certificates of Compliance are in place for all existing structures on the property.
- (f) Contact - The owner shall designate a property representative who shall be immediately available, for the purpose of:
 - (1) responding within a reasonable time under the circumstances, but in no case later than thirty (30) minutes after notification to complaints regarding the use or conduct of occupants of the rental property and taking remedial action to resolve any such complaints in a reasonable length of time;

(2) the name, address, and telephone number of the owner and the property representative shall be kept on file with the Code Enforcement Officer at all times.

(g) Such other information as the Town may require to satisfy the intent of this Local Law.

(h) No permit will be granted without documentation the property is registered with the Occupancy Tax Program administered by the Fulton County Treasurer's Office.

Section 7. Inspection Required

Prior to issuance of any permit or renewal thereof issued under this Local Law, the Code Enforcement Officer shall inspect each rental unit to verify compliance with all local laws, the NYS Uniform Fire Prevention and Building Code, proper waste water treatment system operation, the availability of sufficient lawful parking areas and compliance with the terms and conditions of any current permit. A failure of any of the above requirements shall stay issuance of a permit until compliance is demonstrated to the Code Enforcement Officer.

Section 8. Posting Required

A copy of the valid permit, a copy of the inspection report and the maximum number of occupants allowed in the residence shall be conspicuously posted in the dwelling at all times. The names, and phone numbers of the responsible property representative or manager of the property shall be posted in a conspicuous location inside the building at all times.

Notification of NYS Law regarding watercraft shall be posted. All watercraft launched in the Adirondacks are required to be free from aquatic invasive species. New York State DEC Regulation (6 NYCRR Part 576) states that: NO person shall launch, or attempt to launch, a watercraft or floating dock into a public water body unless the following reasonable precautions of cleaning, draining and treating have been taken.

Section 9. Permit Fee

Upon application for an initial permit as of the date of enactment hereof, the permit fee shall be \$250 for any rental property. This will include the permit and inspection. Subsequent annual renewal will be \$200 unless an inspection is warranted. The fee for inspection will be \$50. The Code Enforcement Officer will determine the need for inspection based on change of ownership, complaints by renters/occupants, neighbors, law enforcement, Fire Company and any other situation that presents a risk to health and safety. The Town Board is authorized to adjust the permit fee from time to time as it deems reasonable by passage of a resolution.

Section 10. General Requirements

a. Compliance with the Local Law # 01 -2024 Short Term Residential Rental Law, the New York State Uniform Fire Prevention and Building Code and the New York State Standards for on-site waste water treatment for residential properties is required. These requirements comprise the same standards to obtain a certificate of occupancy for a residential property in the Town of Caroga.

- b. An owner of a property shall demonstrate that sufficient lawful off-road parking is available for the number of occupants proposed to be allowed to occupy the premises for each permit issued according to any rules established by regulation regarding maximum numbers of vehicles as indicated in the Town of Caroga Zoning ordinance Article 5.VI.
- c. Unless there is documentation on file in the Office of Code Enforcement to demonstrate compliance with Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75-A, prior to the issuance of the first Rental Permit, the septic tank shall be pumped out and inspected for size, condition and location. A report of the same shall be submitted to the Office of Code Enforcement. This information shall also be readily available in the rental dwelling. The absorption area location, type and general size shall also be identified. A dye test may be conducted upon reasonable notice under the circumstances by the Code Enforcement Officer upon reasonable cause to believe any of the relevant provisions of this Section regarding waste water treatment are being violated at the subject property or that any component of the waste water treatment system may be in a state of failure.
- d. The criteria used to establish the maximum allowed number of occupants in the residence or on the property at any time, day or night, shall be based on the New York State Fire Prevention and Building Code and Property Maintenance Code.
- e. The size and capacity of the septic tank and absorption area shall also determine the total number of occupants allowed in the residence or on the property, day or night based on New York State Department of Health Appendix 75-A, standards for on-site wastewater treatment for residential properties and Town of Caroga laws, codes, rules and regulations.
- f. Signage shall be allowed as per Article 5; Section 1 of the Town of Caroga Zoning Ordinance.
- g. Campfire pits shall comply with the New York State Uniform Fire Prevention and Building Code and the NYS Department of Environmental Conservation. According to NYS Department of Environmental Conservation, a campfire is defined as less than 3 feet high and less than 4 feet long.
- h. The advertising of a rental not having a valid rental permit shall be deemed a violation of Local Law #01-2024, Short Term Residential Rental Law of the Town of Caroga
- i. Waste/garbage removal is the responsibility of the owner. As STR is considered a commercial enterprise it is necessary for the owner to secure pick up of garbage/waste from a commercial waste disposal company. Waste removal by the Town of Caroga is restricted to residential garbage/waste by Fulton County Department of Solid Waste.
- j. An accessory dwelling/accessory dwelling unit, as defined herein, shall not be rented or leased to nonfamily members except for a caregiver serving the needs of the occupant of a single-family dwelling located on the property as per Town of Caroga Zoning Ordinance Article 2 Section II.
- k. . Notwithstanding the foregoing, those properties with short-term rental commitments existing on the date this section takes effect shall be permit to honor such existing commitments and

continue to make commitments for short-term rentals, but must apply within thirty (30) days of the effective date, for all future short-term rental occupancy commitment. In the event such application is denied, all commitments must be cancelled.

1. Complaints may be filed with the Code Enforcement Officer on Code Complaint Form 2021LG, per Town of Caroga Zoning Ordinance Article 10 Section VI.

Section 11. Exempt Properties

Any lawfully existing single-family dwelling that is rented, leased or occupied by non-transient permanent town residents, one family or family unit for six (6) or more consecutive months shall be exempt from this Section.

Section 12. Enforcement

a. Any violation of any provision of this local law shall be deemed a violation and may be punishable by a fine of not more than \$350. Any second violation of any provision of this chapter within a period of twelve (12) months immediately succeeding a prior violation shall be deemed a violation and shall be punishable by a fine not less than \$350 and not more than \$700. Any third or subsequent violation of any provision of this chapter shall be deemed a violation and shall be punishable by a fine not less than \$700 and not more than \$1,000. In the case of such violations the Code Enforcement Officer is authorized to issue an appearance ticket and to file an accusatory instrument in Caroga Town Court. Each period of one week (seven consecutive calendar days) of continued violation shall constitute a separate additional violation.

b. Upon a third or subsequent violation of any provision of this chapter, the Code Enforcement Officer shall suspend any current short term rental permit until full compliance is demonstrated and after passage of one year from the date of such violation. It is the property owner's responsibility to notify on-line rental services and or realtors that the permit has been suspended.

c. Any violation of any provision of this section shall subject the owner or operator of the premises in violation to a civil penalty of not more than two hundred dollars per day of violation.

d. The Town Board may by resolution authorize an action in the name of the Town of Caroga in a court of proper jurisdiction to enjoin violations of this section and to collect civil penalties as set forth above for violations and all expenses of enforcing compliance with this section, including actual attorney fees and costs and disbursements.

e. The Code Enforcement Officer may authorize prosecution of violations in Caroga Town Court or an action to enjoin further violations and collect civil penalties, or both such enforcement mechanisms concurrently or sequentially and the option to pursue one or the other or both methods of enforcement shall not affect the authority or validity of either such prosecution.

Section 13. 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.

Section 14. Effective Date

Effective Date of Local Law #1-2024 of Town of Caroga: This Local Law shall become effective upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law.

Adopted by a Roll Call Vote:

Supervisor Ralph J. Palcovic - Aye
Council Member John Glenn – Aye
Council Member Barbara DeLuca – Aye
Council Member Richard Sturgess – Aye
Council Member Matthew Cooper – Aye