

VILLAGE OF TANNERSVILLE  
PROPOSED LOCAL LAW # 2, OF 2023  
ESTABLISHING REGULATION & PERMITS REGARDING SHORT TERM RENTALS

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF TANNERSVILLE AS FOLLOWS:

SECTION 1. Title

This Local Law shall be known as “A Local Law Establishing Regulations & Permits Regarding Short Term Rentals.”

SECTION 2. Purpose

2.1 The Board of Trustees of the Village of Tannersville , has determined that it is necessary, given the popularity of such online phenomena as Airbnb, VRBO and other such sites whereby owners of residential properties rent out all or parts of their properties on a short-term basis, to enact reasonable regulations to ensure that the public health, safety, well-being and quality of life including parking, noise pollution, traffic, proper garbage removal, wastewater treatment, water quality, ingress/egress, fire control, etc. of all Village residents is preserved while also ensuring that the health, safety and well-being of those persons renting such properties are also protected.

2.2 The Board of Trustees, therefore, establishes regulations for the administration and enforcement of a residential “Short Term Rental Permits” hereinafter referred to as an “STRP” , requirement for all short-term rental units within the corporate boundaries of the Village of Tannersville. Additionally, this chapter provides for the periodic renewal of the permit, of all landlords and short-term residential rental property owners for the purpose of regulating the living and safety conditions of such short-term residential rental properties and for maintaining an inventory of available short-term rental housing.

SECTION 3. Authorization

This local law is enacted pursuant to the requirements set forth in the New York State Village Law and Municipal Home Rule Law.

## SECTION 4. Definitions

4.1 **SHORT-TERM RENTAL** – A Furnished, apartment, room , or living unit(s) in a dwelling ordinarily occupied for residential purposes and is presently classified as residential classification in the 200 range by the assessing unit or designated 418, that is leased, rented or otherwise let out by an owner, directly by the owner or through any real estate agent or internet hosting platform, or is advertised or solicited by the owner, or it's agent , for a period of less than thirty consecutive days, for a fee or a thing of value. (Hereinafter referred to as an “STR”.) This definition includes what has traditionally been known as a “Bed & Breakfast” or “boarding House” but does not include a traditional Hotel or Motel which is presently designated by the State of New York, as property classification 414 or 415.

4.2 **HOSTED PROPERTY** – Is a property applying for A permit hereunder wherein the owner or their family resides and will be physically present on the premises and available during the term of the STR. In the event the property is owned by an entity or a trust then the individual residing on the property must be an owner of a beneficial interest in said entity or trust or a relative of the same.

4.3 **UNHOSTED PROPERTY** – The owner not residing on the property as contemplated under the previous paragraph (Hosted Property). or the owner does not plan on being physically present on the property, in such a case the owner must have a Local Property Manager- Person in charge of managing the property available to answer calls on a 24 Hour a day basis during the term of any STR.

4.4 **OWNER AND/OR OPERATOR** – Person or entity that owns the Tax lot or the parcel of land on which the STR is operated or the person or agent or entity that conducts the business of the STR on the property.

4.5 **LOCAL PROPERTY MANAGER (LPM)** – A natural Person that lives within 15 miles of the Un-hosted Property of the STR. Responsibilities of the LPM include assuring that all rules and regulations are met by guests including noise, parking and garbage disposal and shall respond to all complaints from the Rentor, or the Village or the public. Name, address and phone number of the LPM must be filed with the permit application to the Village and be posted in the STR. If a LPM has been terminated or otherwise not able to, or is unwilling to serve than the owner must notify the Village CEO in writing within 48 hours of the termination or inability to serve and submit in writing a new designation of LPM within 72 hours.

## SECTION 5. Regulations:

Owners or representative(s) of the owners of all Tax lots or parcels of land or portions thereof to be utilized as a "Short Term Rental" shall file an application for a Permit, on a form approved by the Village board and file it with the Village Clerk/or Code enforcement officer, and obtain a Short Term Rental Permit (STRP), biannually on or before January 31 of each year or within 30 days of first use of or advertising the Short Term rental, The applicant must pay a fee which shall include the inspection fee, at the time of filing the application, as set by resolution of the Village Board. Registration/application for the permit must be completed within 30 days hereof for all existing Short Term Rentals or at least ten (30) days prior to any new such use .

5.2 The Permit and an information sheet shall be conspicuously posted within the STR. The form of the information sheet shall be promulgated by the Village Board from time to time by resolution. The permit must clearly state that the Village of Tannersville its agents and employees are in no way liable for any condition on the property that created liability on the owner, and takes no responsibility for the truthfulness of anything contained in the application.

5.3 Every existing and new STR must obtain a permit prior to advertising, listing on an internet site or commencing operation and every current STR within the Village of Tannersville must register/apply for a permit from the Village Code Enforcement Officer (Hereinafter referred to herein as the CEO).

5.4 The CEO, within 30 (thirty) days of the receipt of a complete application, shall conduct an initial inspection of the following items and upon successful completion, and payment of the fees, the initial permit shall be issued.

5.5 Every owner, Landlord, Rental agent who collects by cash, Credit card, check, pay pal, or any other monetary transfer service money or anything of value in exchange for a short term rental that does not have a valid permit issued prior to the rental, under this law, shall be liable for treble damages of the amount paid to the tenant or renter,

## SECTION 6. THE APPLICATION

Every application for an STRP must contain at least the following information and or exhibits:

6.1 A statement certifying the name of the owner(s) of the STR and provide a United States Postal address along with a statement that the owner agrees to accept service by Mail at that address of any notice or process issued in connection with a violation or revocation of the STRP.

6.2 A sworn statement of the owner that all village taxes and water rates are up to date and not in arrears. This will be confirmed by the Village clerk.

6.3 If the water supply to the STR is provided by well water, the applicant must provide a water test result of the potable water supply of the rented dwelling that complies with Subpart 5-1 (non-community water system) of the New York State Sanitary Code. Subsequent water tests shall be required upon annual renewal of the STR permit.

6.4 A statement of the occupancy requested. The occupancy permitted by the permit shall not exceed two persons per bedroom except in extraordinary cases.

6.5 A map showing vehicle parking for STR's on the Tax lot parcel must be provided. No parking on any roads by STR guests, renters or visitors will be allowed. Failure to comply with the requirements herein may result in a revocation of the permit until remedied and approved by the CEO. STRP's in the Central Business District that have access to public and on street parking are exempt from this requirement.

6.6 The applicant shall provide an emergency number on the application and shall prominently post such number in the property. All emergency calls from the Village or renters must be responded to within thirty (30) minutes and if required be on site within sixty (60) minutes, by the owner or the manager or by a tradesman competent to deal with the issue.

6.7 Proof that The property for which a short-term rental permit is sought does possess adequate exits in accordance with New York State standards.

6.8 Proof that The property of a short-term rental is equipped with an operational single-station smoke-detecting alarm device, an operational fire extinguisher, and an operational carbon monoxide detector device, or devices, in accordance with New York State standards. The 911-Fire number of the rental property shall be prominently displayed at the curb of the property in numerals at least 4 inches high.

6.9 The CEO or the Village Board, may waive the strict requirements of items 4 and item i5 upon a showing of good cause or financial hardship.

6.10 Evidence that the premises have in effect premises liability insurance of at least \$500,000.00 that will always be in effect during a rental. The owner must self monitor that the insurance is always in effect and that the STRP permit will be deemed suspended if the insurance is not in effect for any reason.

6.11 A signed notarized statement of the owner in the following form:

\_\_\_\_\_ Owner does hereby covenant and agree to defend, indemnify and hold harmless the Village of Tannersville from and against any and all liability, loss, damages, claims, or actions (including costs and attorney's fees) for bodily injury and/or property damage,

to the extent permissible by law, arising out of or in connection with the actual or proposed use of The Owners premises pursuant to the Short Term Rental Permit. \_\_\_\_\_ signature of owner.

6.13 Each permit shall have a term of (2) years and must be renewed at the expiration of two-year period, with the appropriate fee and inspection by the CEO.

## SECTION 7 MISCELLANEOUS:

7.1 The fee for such initial inspection shall be \$400 and may be changed by the Village Board by resolution. Permits shall be applicable to one unit/rental listing only. If the STR has more than one living unit, the owner must obtain a permit for each living unit utilized as an STR.

7.2 The owner of every STR within the Village of Tannersville shall apply for an initial permit within 180 days of the effective date of this local law.

7.3 STR permits shall be issued only to the property owner of the STR. STR permits are not transferable, do not run with the land to a new purchaser or sub tenant, and are revocable pursuant to provisions in this law.

7.4 Failure to meet New York State Sanitary Code Standards shall require that STR owner or operator to notify guests of the failure, and provide potable bottled water to the guests, until such time as the failure is remedied. Upon failure of a water test, STR operator shall be required to submit a quarterly test for a period of one year to continue operation.

7.5 In any STR with 5 bedrooms or more, placards must be placed within the rental, delineating clear route of exit in case of emergency in every bedroom, to be affixed to the back, inside surface of the bedroom door.

7.6 "Rules of usage" Information shall be prominently displayed stating: "Strict adherence to local restrictions such as no trespassing on property boundaries outside of your hosts, adherence to noise limitations after 10 PM, and proper garbage disposal in accordance with the Village Zoning and other Local Laws.

7.7 The STR permit number must be displayed in any advertisement, internet listing or mail or email solicitation of renters.

## SECTION 8: VIOLATIONS

8.1 Nothing contained in this law shall be treated as an election of remedies or requiring an election of remedies, that would preclude any governmental agency or individual from seeking Criminal, Civil or equitable relief from a violation of this law.

8.2 The failure to comply with this law shall be a “Violation of Law” punishable under the Penal law by a fine of up to \$250 per day for each day a violation has been proven and up to 15 days incarceration or both.

8.2 Nothing in this law or the above paragraph, is meant to preclude or prevent a Civil action or proceeding, seeking an injunction, restraining order, civil damages, attorney’s fees and daily fines, for violation of this law.

8.3 CIVIL REMEDY STANDING: Any Property owner or resident of the Village of Tannersville, or the Village of Tannersville may proceed in a court of competent Civil Jurisdiction seeking an Injunction, damages, civil fines for violations of this law and shall be presumed to have legal standing.

8.4 In a penal law prosecution, Under New York State Criminal Procedure law section 150.20 (3), The Code Enforcement Officer (Hereinafter the CEO) is authorized to issue and serve “appearance Tickets” for a Violation of this Local law.

8.5 In a penal law prosecution, in an appropriate case as an alternative to the issuance of an “appearance ticket” the CEO in his/her discretion may seek the issuance of a “Summons” from a Local Criminal court provided the CEO Has filed at or before or with the summons a Valid “Information” charging the Defendant with a violation of this law.

8.6 In a Civil action it must be brought in a court of competent jurisdiction Venued within Greene County New York.

8.7 Civil sanctions may be imposed by a court up to \$250 per day for each date of continuing violation less a credit for any criminal fine imposed in the Local Criminal court.

8.8 In a Civil case the court may award reasonable and customary attorney’s fees to the successful party seeking Injunctive relief.

SECTION; 9 Administrative Procedure for STRP Enforcement, after permit granted, revocation, violation:

9.1 “ Notice of violation” : In cases in which an STRP exist or has previously been granted, the CEO upon having reasonable ground to believe that a violation has occurred on the premises, shall issue and serve by mail upon the owner at the address for service stated in the application on file a notice specifying the factual basis of the violation and that the “Owner” has 30 days to Bring the property into compliance and to submit documentary proof of compliance within the Thirty day period.

9.2 Upon Receipt and examination of the proof submitted the CEO if satisfied the premises are in compliance shall issue a written “Removal of the Violation” within 14 days of receiving the proof.

9.3 The CEO upon default of the owner in complying or upon receiving unsatisfactory proof of compliance may institute an administrative proceeding to revoke the “STRP” by filing a petition to the Village board to Revoke and or suspend the “STRP”. In such case the petition and Notice of petition shall be served upon the owner by mail at the address for service stated in the application on file, notifying the owner to appear before the Village board for an administrative hearing for revocation and or suspension of the owners STRP.

9.4 Nothing in this paragraph shall be construed to preclude the discretion to proceed by Criminal or Civil action as contained in other parts of this law.

9.4 Appeal of Revocation Proceeding: An aggrieved respondent in the revocation hearing shall have the right to appeal in the nature of an Article 78 Proceeding In the New York State Supreme Court, Venued in Greene County New York provided Notice of the Appeal has been served on the Village of Tannersville within thirty days of the written decision, and an action commenced within 90 days thereafter.

## SECTION 10. Severability

If any clause, sentence, paragraph, word, section or part of this law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

## SECTION 7. Effective Date.

This local law shall take effect on December 1, 2023 and following the filing of this law with Secretary of State.

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