

A LOCAL LAW REGULATING SHORT-TERM RENTALS IN THE TOWN OF CHESTER

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 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 – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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 DWELLING UNIT – A Dwelling Unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than thirty (30) consecutive days to any person or entity, but not including a Hotel, Motel, Inn, Campground or Bed and Breakfast, or Tourist Accommodation as defined in Section 2.03 of the Town Zoning Local Law.

SHORT-TERM RENTAL OWNER – All entities having an ownership interest in a Short-Term Rental Dwelling Unit which is used as a Short-Term Rental.

SHORT-TERM RENTAL PROPERTY – The entire area which is under the ownership or control of the Short-Term Rental Owner including, as applicable, the parcel of land on which a Short-Term Rental is located together with the dwelling 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 Rental Property deed.

ARTICLE 3. PERMIT REQUIRED

- A. Whenever a Dwelling Unit is to be used as a Short-Term Rental, an owner of a Short-Term Rental Dwelling Unit shall obtain a revocable Short-Term Rental Permit from the Town of Chester.

- B. A Short-Term Rental Permit shall be obtained prior to using the Short-Term Rental Dwelling Unit as a Short-Term Rental. The cost and duration of the permit shall be set by the Town Board from time to time by resolution.
- C. Short-Term Rental Permits are non-transferrable and do not expire. If a Short-Term Rental Dwelling Unit is sold or otherwise transferred, at any time that the new owner plans to utilize the Dwelling Unit as a Short-Term Rental, the new owner must apply for and obtain a new Short-Term Rental Permit within sixty (60) days of the planned date of rental.

ARTICLE 4. PERMIT APPLICATION REQUIREMENTS

An Application for a Short-Term Rental Permit shall be submitted to the Town Zoning Office, which may include the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies.

- A. Made on a Form titled "Short-Term Rental Permit Application" provided by the Town of Chester.
- B. Signed by all persons and entities that have an ownership interest in the proposed Short-Term Rental Property.
- C. Accompanied by:
 - 1) A copy of the vesting deed or other document showing how title to the proposed Short-Term Rental Property is held. A list of the Short-Term Rental Owners including their names, addresses, telephone numbers and e-mail addresses.
 - 2) A list of the Short-Term Rental Owners including their names, addresses, telephone numbers and e-mail addresses.
 - 3) Proof of a satisfactory inspection of the Short-Term Rental Property by the Warren County Department of Fire Prevention and Building Codes conducted within the sixty (60) days immediately preceding the Application date and at the Owner's expense; and which proof sets forth the maximum overnight occupancy for the Short-Term Rental Dwelling Unit.
 - 4) A site plan of the proposed Short-Term Rental Property (not required to be professionally drawn) showing all the buildings locations and off-street parking area(s).
 - 5) A copy of the filed Warren County Occupancy Tax Registration Form.

- 6) Payment of the Short-Term Rental Permit fee as set by resolution of the Town Board.

ARTICLE 5. APPLICATION PROCEDURE

- A. Within thirty (30) days of filing a Short-Term Rental Permit Application with the Zoning Office, including all documents required by this Local Law, a permit shall be either issued or denied, with an explanation for the denial in the case of denied permit.
- B. In issuing a Short-Term Rental Permit, the Zoning Office may set conditions which are directly related and incidental to the use of the Short-Term Rental so long as such conditions are consistent with the requirements of this Local Law and are imposed for the purposes of maintaining safety or minimizing any adverse impact the proposed Short-Term Rental Property may have on the community or neighborhood.

ARTICLE 6. SHORT-TERM RENTAL REQUIREMENTS

Short-Term Rentals shall comply with the following requirements:

- A. Short-Term Rental Properties shall not be rented to more persons than the occupancy load as determined by the Warren County Department of Fire Prevention and Building Codes.
- B. Short-Term Rental Properties shall provide off-street parking with at least one space for every four (4) guests.
- C. Short-Term Rental Owners shall establish written rules and regulations for the Short-Term Rental. The rules and regulations are expected to be activated when rentals are active. 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 Rental Owner must provide all property owners within one-hundred fifty (150) feet of the Short-Term Rental Property with a copy of the signed short-term rental permit.
- 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 and odors.
- F. The current Short-Term Rental Permit shall be posted inside the Short-Term Rental Dwelling Unit whenever it is rented and shall be visible upon entry.

- G. An E911 house number shall be visible from the street or road.
- H. The Short-Term Rental Owner must provide accurate information to the Zoning Office regarding any changes from the information originally supplied at the time of Application.

ARTICLE 7. ENFORCEMENT AND PENALTIES

- A. When a complaint about the operations of a Short-Term Rental is received by the Zoning Office, and enforcement process will begin. The complaint is to be in writing and on the officially designated Town of Chester Complaint Form, available online and at the Zoning Office.

The Zoning Office will review the complaint form and take actions to determine its applicability to this Local Law. If there is no applicability, it will be noted, and the complainant and Short-Term Rental Owner will be notified in writing of the determination.

- B. When a Short-Term Rental is found to be in violation of items within this Local Law, the Zoning Office will engage with the Short-Term Rental Owner to remedy the situation within a certain period of time.

When a Short-Term Rental Owner fails to remedy the violation voluntarily, further enforcement actions will be taken.

Enforcement actions may include a Short-Term Rental Permit being revoked, suspended or conditioned according to the following:

- 1) For a first or second violation of this Local Law or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Office shall issue a written Notice of Violation to the Short-Term Rental Property Owner mailed to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return- receipt requested.

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 by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Office shall

issue a written Notice of Violation that may revoke, suspend or attach 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 Rental Property Owners 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, Zoning Enforcement Officer and/or authorized assistants or deputies shall notify the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.
- 4) Short-Term Rental Property Owners 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 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, Zoning Enforcement Officer and/or authorized assistants or deputies shall be stayed.

At the hearing the Town Board shall accept evidence offered by the Short-Term Rental Owner, any complaining parties, the Zoning Administrator, the Zoning Enforcement Officer, and/or authorized assistants or deputies and any other witness with relevant evidence.

The Town Board shall make its determination within thirty-two (32) 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 Owners 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 by the same owner for at least one year following the revocation.
- C. The Zoning Administrator 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.
- D. 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 \$350 for the first offense.
 - 2) A fine of not less than \$350 and not more than \$700 for a second offense; and
 - 3) A fine of not less than \$750 and not more than \$1000 for a third or any subsequent offense.
- E. A civil action or proceeding in the name of the Town of Chester, 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 Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies determines that a violation has occurred.
- G. Each day a violation continues shall constitute a separate and distinct offense to which all penalties shall apply.

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 August 1, 2023 upon filing by the office of the New York State Secretary of State or as otherwise provided by law.