

Local Law Filing

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County
City
of Walden
Village
Village

Local Law No. 5 of the year 2022

A local law A Local Law adding Article XIII , entitled “Short Term Rentals” to Chapter 305 [Zoning] of the Code of the Village of Walden.

Be it enacted by the Village Board
(Name of Legislative Body)

of the
County
City
of Walden as follows:
Village

Section 1. Title

A Local Law adding Article XIII , entitled “Short Term Rentals” to Chapter 305 [Zoning] of the Code of the Village of Walden.

Section 2. Purpose

The purpose of this Local Law is to promote the public health, safety and welfare by establishing regulations, permitting and enforcement procedures related to Short Term Rentals within the Village Code.

Section 3. Amendment to Village Code.

The Village Code of the Village of Walden is hereby amended by the addition of Article XII to Chapter 305 [Zoning] as follows:

305.83 Definitions.

A. Resident Agent

An authorized representative of a property owner or landlord who resides within the designated boundaries of Orange County as defined at the time of the issuance of the permit and all subsequent permit renewals and who shall be contacted for emergencies or other matters that may arise at the short term rental property. A resident agent must be an individual permit, not a corporation, limited liability company or similar entity.

B. Short Term Rental

Offering any residential dwelling, or space therein, to persons in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air BnB and VRBO. Month to month tenancies are not considered short term rental properties. A hotel or inn that has a valid, approved Site Plan from the Village Planning Board, shall not be construed to mean a Short Term Rental.

C. Short Term Rental Permit

A permit granted by the Village Building Department for each use of property for short term rentals.

D. Short Term Rental Property

Any real property which is offered and/or rented for short term rental.

E. Owner-Occupied Property

Property which the record owner maintains as his or her domicile.

305.84 Regulation Of Short Term Rental Property.

- (A.) Short Term Rentals are only permitted in the [Please specify any Limitation] residential zones in the Village. Any short term rental in the [Please specify] zone, that meets all other criteria herein and was in existence as of the date of adoption of this law may continue to operate provided they register with the Village Building Department within 30 days of the effective date of this law.
- (B.) Only single-family dwellings and accessory buildings with a valid certificate of occupancy on the same tax lot may be used as short term rental property. Short term rental of two- or three-family dwellings or multiple dwellings is not permitted.
- (C.) Only owner-occupied property may be used for short term rentals.
- (D.) All short term rental properties must be registered with the Village Building Department within 30 days of the effective date of this article and/or prior to the premises being used as a short term rental. It shall be the responsibility of the property owner to register any short term rental property as required by this chapter and failure to do so shall constitute a violation of these regulations and is subject to the penalties set forth herein.
- (E.) No additional parking spaces may be constructed between the primary residential structure and the street.

- (F.) A short term rental permit is not required for short term rental of only one bedroom regardless of the number of days the room is rented.
- (G.) The following terms and conditions shall apply to all short term rentals:
- (1) No illegal conduct shall be carried on at the short term rental property by the property owner, any short term rental tenants, guests or invitees.
 - (2) A tenant of the short term rental is prohibited from subleasing or other licensing the use or occupancy of any portion of the short term rental property.
 - (3) The Property owner and/ or resident agent shall make all tenants aware of the Village's noise ordinance. Any conduct in conflict with this ordinance or which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood or which creates a public nuisance is prohibited.
 - (4) All garbage, rubbish and, or recyclables shall be stored and placed by the curb and shall not be left stored in public view unless contained within proper container.

305-85 Registration Of Short Term Rental Property.

(A.) It shall be a violation of this Chapter to offer or engage in short term rentals unless the short term rental property has been registered with, and short term rental permit obtained from the Village Building Department as provided in this Section within 30 days of the effective date of this Chapter.

(B.) The registration of short term rental property shall be accomplished by submitting a completed registration application on a form promulgated by the Village Building Department in accordance with the provisions of this Section. Such form shall contain a minimum the following information:

- (1) The name, address, telephone number and e-mail address of the record owner of the short term rental property and any designated resident agency they may designate;
- (2) The street address and Tax Map Number of the short term rental property;
- (3) The total number of bedrooms in short term rental property and number to be offered for rent if different from the total;
- (4) Applicable overnight and daytime occupancy limit of the short term rental;
- (5) A notarized statement that the short term rental property is owner occupied for more than 50% of the calendar year.
- (6) If the short term rental property is not served by municipal water and sewer, proof shall be provided that the onsite utilities have been properly maintained and are in conformance with all applicable standards.

(7) The permit application shall be accompanied by proof of liability insurance for the property with policy limits no less than \$1,000,000.

(C.) Upon submission of an application for a short term rental permit, the property owner shall contact the Building Inspector to schedule an inspection of the short term rental property. Upon payment by the property owner of such inspection and permit fees as prescribed in the Village's schedule of fees, the Building Inspector shall conduct an inspection of the short term rental property to determine whether it complies with the Village Code and all applicable NYS Codes and to verify the occupancy limits of the structure.

(D.) Upon completion of an inspection of the short term rental property and ascertaining that the property meets the Village Code's requirements, the Building Inspector shall issue a registration for the property as a short term rental and the property will then be eligible to apply for a short term rental permit.

(E.) Registration for short term rentals shall remain in effect as long as there is no change in the record owner of the short term rental property. Upon a change in ownership, the new owners of the short term rental property shall be required to once again register it before offering it for short term rentals.

(F.) In the event that the Building Inspector denies an application to register short term rental property, the property owner may appeal the denial to the Village Board within thirty (30) days of issuance of notice of the denial to the property owner.

(G.) Short term rental registration may not be transferred to any other person or property, or used by anyone other than the person to whom it was issued.

(H.) In the event that there is any change in the information provided by a property owner in his application for a short term rental registration, he or she shall advise the Village Building Department in writing of such change no later than forty-eight (48) hours after such occurrence. Failure to advise the Building Department of a change in the information provided by the property owner in his application shall constitute a violation of this Chapter.

305-86 Short Term Rental Permits.

(A.) Official notification for each instance a short term rental property is rented must be made to the Village of Walden no less than 24 hours prior, and no more than 30 days prior to each use of the short term rental property for as a short term rental. Notification may be made via the Village's website on designated forms or can be made in person simultaneously with applications to register short term rental property on a form promulgated by the Village Building Department.

(B.) The Building Inspector may deny an application for short term rental permit if the application is incomplete or the property otherwise fails to meet the criteria for grant of a short term rental permit.

(C.) No more than 16 rental permits may be issued in one calendar year for any one short term rental property.

305-87 Suspension or Revocation of Short Term Rental Rights.

(A.) It is the responsibility of the property owner to comply with all terms and provisions of this Article and to ensure that short term rental tenants, guests and invitees comply with this Article and the terms and conditions of the short term rental permit. Any failure of short term rental tenants, guests and invitees to comply with this Article and the terms and conditions of a short term rental permit shall be attributed to the failure of the property owner to discharge his or her responsibility to ensure such compliance.

(B.) Upon receipt of a complaint or upon his own initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Article.

(C.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or of the terms and conditions of a short term rental permit has occurred on short term rental property, he shall issue a written notice of the violation to the property owner and shall provide a copy of the same to the Village Board.

(D.) The Building Inspector may also issue a notice of suspension if it is determined any of the information contained within the permit application is false or if the short term rental property is found at any time to be in violation of the NYS Building Code or other aspect of the Village Code.

(E.) Revocation and suspension notices shall be in writing, shall identify the property, shall specify the violation or remedial action to be taken and shall provide that said violation must be corrected within 10 days from the receipt of said violation unless otherwise extended by the Building inspector. The property owner or resident agent shall take the remedial action prescribed or may file a written notice of appeal received by hand delivery or mail by the end of the identified period of remediation. The revocation or suspension of the short term rental shall be stayed pending either a decision on the appeal by the Village Board or a finding by the Building Inspector that the remedial action is acceptable to correct the violation.

305-88 Fees for registration and issuance of permits.

The Village Board shall set such application and permit fees as it may find appropriate for short term rentals by resolution and such fees shall be listed in the Village's Schedule of Fees

305-89 Penalties for offenses.

(A.) Violations of this Article will constitute a municipal violation and will be subject to applicable penalties under article. The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.

(B.) Conviction of violation of the provisions of this Article shall be punished by a fine of not more than \$500 per violation for the first occurrence and \$750 per day for subsequent offenses.

(C.) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent unlawful short term rental of property in

violation of this Article, including, without limitation, civil actions for injunctive relief to immediately terminate any existing short term rental occupancy of buildings, land or premises.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.