

Local Law Filing

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County
City
of Walden
Village
Village

Local Law No. 1 of the year 2024

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

Over the past several years, there has been an emergence of property owners allowing their properties to be rented on a short-term basis. Many residents list their properties as short-term rentals on web-based booking sites such as airbnb and VRBO. These types of rentals are commonly referred to as “Short Term Rentals” or “STR.” STRs offer many benefits to property owners and residents in the Village of Walden such as increased income which allows these property owners to defray the cost of housing and to remain in the Walden Community with the ability to age in place. These STRs also provide lodging for visitors and their guests to the Village and surrounding areas. While the Village recognizes these benefits, STRs also have the potential to create health, safety and quality of life issues in the community. The purpose of this Local Law is to regulate the safety and use of STRs and to further insure that these STRS satisfy the requirements of the New York State Uniform Fire Prevention

and Building Code as well as the Zoning Regulations in the Village of Walden. Further, the Village Board specifically finds that the STRs, if unregulated can be incompatible with the intent of the Village Comprehensive Plan and the Zoning Regulations in the Village and also further impact adversely the residential community character as well as neighborhood safety. Thus, this Local Law seeks to maintain housing choices for permanent residents by prohibiting the use of STRs in certain Zoning Districts that are identified with specificity in the regulations being adopted pursuant to this Local Law. This Local Law further imposes mandatory regulations and requirements on all Village of Walden property owners that desire to rent their property on a short-term transient basis. The purpose of such regulations and requirements are to insure that the property being rented meets certain safety and regulatory requirements. To accomplish this purpose, this Local Law provides for the scheduled periodic registration and inspection of all STRs properties for the purposes of regulating the living and safety conditions of the STRs and for maintaining an inventory of available STR housing in the Village.

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. Short-Term Rental Property

Any housing or dwelling unit(s) which are occupied by persons other than the owner or his immediate family for which a fee compensation, monetary or otherwise is received by the owner in exchange for such occupancy for a period of less than thirty (30) days. Month to Month tenancies, hotels, motels, inns or bed and breakfasts are not considered Short Term Rentals.

B. Landlord

Any property owner or designated agent who offers a housing unit for Short Term Rental to persons other than members of his/her immediate family for a fee or compensation.

C. Immediate Family

The immediate family of the owner of the housing unit consisting of the owner's spouse, children, parents, grandparents or grandchildren.

D. Resident Agent

A representative of a property owner or landlord who resides within the designated boundaries of Orange County as defined at the time of property registration. All resident agents must not be a corporation, limited liability company or other similar entities.

E. Building Inspector/Code Enforcement Officer

A duly appointed Building Inspector/Code Enforcement Officer of the Village of Walden authorized to enforce the New York State Building Code and Village of Walden Code.

F. Short-Term Rental Permit

A permit granted by the Village Building Department for each use of property for short-term rentals for no longer than one hundred (100) days total per year.

G. Housing or Dwelling Unit

Any single residential living space which is capable of housing one separate household unit whether the structure or building or part within a multi-housing structure or building.

H. Dwelling Unit

One or more rooms with provisions for cooking, living, sanitary and sleeping facilities for the use of one family.

I. Room

A space in a building enclosed by partitions.

J. Locations of Short-Term Rentals

That short-term rentals shall be placed within RM-1, RM-2, B-2, B-3 and MX Zoning Districts, and one short-term rental per building or structure within these designated Zoning District.

K. Number of Short-Term Rentals

There shall be only ten (10) short-term rentals to be placed within the incorporated Village of Walden at any one time. A property owner shall not possess more than one STR Permit at any time Village-wide, except as set forth in section 305-85(B)(4).

L. Year

For the purpose of this Section, Year shall mean the Village of Walden's fiscal year, i.e, June 1 to May 31.

305.84 Regulation Of Short Term Rental Property.

- (A.) Short Term Rentals are only permitted in the following Zoning Districts: RM-1, RM-2, B-2, B-3 and MX zones in the Village.
- (B.) A total maximum of ten permits per Village fiscal year are allowed..
- (C.) Subject to the limitations in paragraph 305-85(B)(4), each Zoning District may have a maximum of two permits per Village fiscal year unless the total permits issued Village-wide within 30 days of the Village fiscal year or due to renewal applications are less than ten in which event the number of permits allowed in a Zone may be increased up to the maximum of ten permits.. Permits shall be issued on a first-come, first-served basis.
- (D.) All applications for a Short-Term Rental Permit must be submitted between June 1 and June 30 of each year. Upon receipt of an application the building department shall contact the applicant for purposes of arranging the inspection required by this Section of the Code. Failure to permit said inspection to occur shall result in the permit application being denied.
- (E.) The building department shall have up to 30 days to review and either approve or deny an application which 30-day period shall be measured to begin as of the first business day after receipt of the permit application.

- (F.) All short-term rentals permitted by this Section shall be inspected by the building department at least every six months and a reinspection conducted between each occupancy.
- (G.) Once issued, Permits are not transferrable
- (H.) A short-term rental may not be rented for any other purpose, commercial or otherwise, such as concerts or weddings.
- (I.) A short-term rental may not be utilized for more than 100 days per year.
- (J.) All short term rental properties must be registered in accordance with Section 305-85 hereof 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.
- (K.) No additional parking spaces may be constructed between the primary residential structure and the street. 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.
- (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. Any designated Resident Agent must be physically located within a 30-minute drive to the

short-term rental in the event the need should arise for said agent to be contacted by the Village Building Department.

- (2) The maximum occupancy allowed in the short-term rental shall follow the State Occupancy and applicable fire and building codes for the number of bedrooms. Further, no more than two adults per bedroom shall be permitted at any time;
- (3) No more than the maximum number of guests indicated in the permit shall be allowed in the short-term rental;
- (4) Only one short-term rental permit shall be allowed per property. Property owners who have more than one approved dwelling unit on the property may rent out up to two units as short-term rental under one permit; if available after the first round of permitting. The time to obtain the first permit will be from June 1 to June 30. If after ten (10) business days from such time there are still permits available, the owner may request a permit for a second unit.
- (5) The street address and Tax Map Number of the short term rental property;
- (6) The total number of bedrooms in short term rental property and number to be offered for rent if different from the total;
- (7) Applicable overnight and daytime occupancy limit of the short term rental;
- (8) If the short term rental property is not served by municipal water and sewer, it shall not be allowed to receive a permit for a short term rental.
- (9) The permit application shall be accompanied by proof of liability insurance for the property with policy limits no less than \$1,000,000.00 naming Village of Walden as additional insured.

(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 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.

305-87 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

305-88 Penalties for offenses.

(A.) Violations of this Article will constitute a municipal violation and will be subject to applicable penalties under this 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/or the New York State Uniform Fire Prevention and Building Code, and/or the New York 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 \$1000.00 per violation for the first occurrence and \$1000.00 per day for subsequent offenses and revocation of the Short-Term Rental Permit for a period not to exceed three years.

(C.) If any fine is not paid in the time established by the Court, , it shall become a lien against the real property which was found in violation of this Chapter and may be assessed and levied against such real property and collected in the same manner as real property taxes.

(D.) 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.