

A local law to add Chapter 179 to the Town of Fallsburg Code relating to Transient and Short-Term Residential Rentals. The new Chapter shall be enacted as follows:

Chapter 179

TRANSIENT/SHORT-TERM RESIDENTIAL RENTALS

179.1 Legislative intent and purpose.

179.2 Definitions.

179.3 Permit required.

179.4 Location.

179.5 Specific requirements

179.6 Penalties for offenses.

179.1 Legislative intent and purpose.

It is the general purpose and intent of this chapter to establish a permitting process for short term residential rentals to protect the general health, safety, and welfare of the residents of the Town of Fallsburg, and provide a means to enable the Town to monitor such rentals.

179.2 Definitions.

Short Term Residential Rentals – Properties used as short term transient rentals, under 30 days, unoccupied by owner or occupied by both owner and a transient guest.

Transient – to remain in a place for only a short time, typically less than thirty days. It shall also mean a person who stays there for a short time, such as a hotel guest or a resident of a short-term residential rental.

179.3 Permit required.

In order to obtain a permit for a short-term residential rental, a property owner shall first request an inspection from the office of Code Enforcement. An annual fee for such inspections and permits shall be set by the Town Board. No property owner shall be permitted to rent to a transient without first obtaining such permit.

179.4 Location.

All short-term residential properties must provide on-site parking; street parking shall not be permitted. A 911 location sign shall be posted clearly at the end of the driveway; no advertising signs are permitted for the use on the premises.

179.5 Specific requirements.

- A. Records must be maintained including dates of rental and number of guests. Such records shall be made available upon request to the Code Enforcement Officer.
- B. Short term rental shall not generate unreasonable noise, vibration, glare, odors, or other impacts that unreasonably interfere with any person's own enjoyment of his or her residence.
- C. All short-term rental properties shall clearly delineate property boundaries.
- D. Within each short-term rental there shall be a conspicuously posted list with emergency information so that the transient guests can readily locate the owner's telephone number and other emergency contact information.
- E. Proof of appropriate insurance coverage for this use shall be required as part of the permitting process.
- F. After obtaining the permit, owner shall send a copy of the permit to all property owners within _____ of the property, along with a copy of this Chapter, and the owner and/or property manager's contact information including a telephone number and email address at a minimum.
- G. Operational fire extinguishers shall be located in the kitchen and each bedroom.

179.6 Penalties for offenses.

A violation of this article is an offense punishable by a fine of not more than two hundred fifty (\$250.00) dollars per day or fifteen (15) days imprisonment, or both, for the first violation of this Chapter. Each day that a violation is permitted shall constitute a separate offense or a continuing violation. After the first violation has been adjudicated, a second violation of this Chapter is considered an offense punishable by a fine of not more than five hundred (\$500.00) dollars per day or fifteen (15) days imprisonment, or both. In addition to the penalties hereinbefore set forth, the Town may bring action in the Supreme Court, for an injunction to restrain the continuance of such violation, against the owner or any other person who shall knowingly violate any of the applicable provisions of this Chapter, any other provision of this code, the most current ICC Code or New York State Code, and New York State supplements and subsequent updates, the State Sanitary Code or any other lawful order.

179.7 Enforcement.

Enforcement of this Town Law is the duty of the Code Enforcement Officer, who shall have the right of entry to determine compliance with the terms of this Chapter and the terms of the permit. The Code Enforcement Officer, may, after a hearing before the Town Board and a recommendation therefrom, revoke the short-term rental permit, if the premises is found to be in material breach of the terms and conditions of the permit.