

LOCAL LAW #2 of 2021
REGULATING SHORT-TERM RENTALS
IN THE TOWN OF SCHROON

SECTION 1. PURPOSE, INTENT AND AUTHORITY.

A. For many years private Short-Term Rentals have been a strong contributor to the local economy. The Town Board recognizes that Short-Term Rentals can attract visitors to the Town of Schroon and can provide an additional source of income to Town residents. The Town Board also has determined that Short-Term Rentals can at times be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town of Schroon, and have the potential to create a threat to the public health, safety and well-being within the Town. Accordingly, the Board endeavors to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances.

B. This Local Law shall apply throughout the Town of Schroon.

C. This Local Law is adopted pursuant to New York Municipal Home Rule Law.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following words shall have the meanings indicated:

CODE ENFORCEMENT OFFICER: An individual appointed or designated by the Town Board whose duty and authority is to administer and enforce the provisions of this Short-Term Rental Law, the Town's Zoning Ordinance and/or any other laws or regulations as may be designated by the Town Board.

DWELLING UNIT: Means one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwellings units which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities.

RENTAL: Granting use or possession of a Dwelling Unit in whole or in part to a person or group in exchange for some form of valuable consideration.

OCCUPANT: Any person(s) over the age of two (2) years located on the Short-Term Rental Property between the hours of 10:00 p.m. and 6:00 a.m.

SHORT-TERM RENTAL: 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(s) or entity; but shall not include motels, hotels, bed & breakfasts, inns and campgrounds.

SHORT-TERM RENTAL OWNER/OWNER: All persons or entities having an ownership interest in a 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.

SECTION 3. PERMIT REQUIRED

A. A Short-Term Rental Owner shall obtain a Short-Term Rental Permit prior to use of any Dwelling Unit as a Short-Term Rental. The Short-Term Rental of a Dwelling Unit without a Short-Term Rental Permit shall constitute a violation of this Local Law.

B. An application for a Short-Term Rental Permit or renewal of a Short-Term Rental Permit shall be made on a form established by the Code Enforcement Officer, signed by all owners of record of the Short-Term Rental Property and shall be submitted together with:

1. A Permit Fee in an amount to be set from time to time by Town Board Resolution;
2. A copy of the current deed;
3. A signed statement that the owners of record have reviewed this Local Law and will comply with it in full;
4. If the Short-Term Rental Property is served by a private septic system, the Short-Term Rental Owner must provide proof that the system is less than three (3) years old or that the septic tank has been pumped within the last three (3) years, and one of the following:
 - a. documented proof that the system was fully inspected by the Town's Code Enforcement Officer during installation and upon completion, or
 - b. a completed "Town of Schroon: Septic System Inspection Report" form (available from the Town of Schroon Building and Codes Department). The septic system must be in compliance with the regulations of the N.Y.S. Department of Health, Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. The report must state the septic system was adequately functioning at the time of inspection. The inspection must be conducted by one of the following:
 - 1) a Professional engineer, registered architect or licensed land surveyor with a certificate for minor engineering, all

of whom are licensed by New York State to design on-site wastewater systems, or

2) a New York State Certified Code Enforcement Officer, or

3) an individual who has been in the business of supervising the installation of on-site septic and wastewater systems for a minimum of five years in New York State (and has been approved by the Codes Enforcement Officer), or

4) an individual who has completed inspection training by the New York Onsite Wastewater Treatment Training Network (OTN) and has been assigned an OTN Inspector Registration Number.

The Code Enforcement Officer may allow, in his sole and absolute discretion, use of a Dwelling Unit as a Short-Term Rental if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further, periodic inspection by the Code Enforcement Officer or designee.

5. If the Short-Term Rental Property is served by a private water supply the Owner shall have a water test, performed by a NYS accredited laboratory, showing the water supply to be potable. This test must be performed at a minimum of every 3 years and the results of the water test shall be necessary for renewal of the Short-Term Rental permit.

C. The Code Enforcement Officer shall have thirty (30) days to review the application, perform an inspection and either issue the Permit, with or without conditions, or notify the applicant in writing that the application has been denied and state the reason or reasons for denial. All issued Permits shall bear the signature of the Code Enforcement Officer, any Permit conditions, the maximum occupancy and the maximum number of vehicles permitted on the Short-Term Rental Property for the Dwelling Unit.

D. Short-Term Rental Permits are valid for three (3) years from the date of issuance and must be renewed thereafter.

E. Short-Term Rental Permits are non-transferrable.

F. Failure to abide by the rules established by this Local Law or the requirements of any Permit issued hereunder, may result in revocation

of the Short-Term Rental Permit and/or penalties as set forth in Section 5 of this Local Law.

G. Appeals Process: Appeals of the Code Enforcement Officer's denial, conditioning, suspension or revocation of a Short-Term Rental Permit shall be made to the Town of Schroon Town Board.

1. Determinations made by the Code Enforcement Officer under this Local Law shall be made in writing and provided to the Owner as identified on the application or Permit. The determination may be appealed to the Town Board within 30 days of receipt of the determination. The determination appealed from shall be stayed while the appeal is pending. The Town Board shall have the powers to reverse, affirm, or modify wholly or partly any order, requirement, decision or determination.

1. Any person who wishes to appeal the determination made by the Code Enforcement Officer shall make a written request for a hearing to the Town Board which shall endeavor to hear the appeal within 15 days of the filing of the request with the Town Clerk. At the hearing, the Town Board shall hear from the Owner, any complaining parties, the Code Enforcement Officer or any other parties with relevant information. The Town Board shall make its decision within 10 days of the hearing and may uphold, reject or modify the Code Enforcement Officer's determination.

SECTION 4. SHORT-TERM RENTAL STANDARDS.

All Owners, or any person or entity having control over or occupancy of a Short-Term Rental Property, shall comply with the following standards and requirements:

- A. The maximum occupancy for each Short-Term Rental shall be limited to the following occupants: two (2) people per bedroom plus two (2). For example, a Short-Term Rental with three (3) bedrooms is allowed eight (8) occupants. The number of bedrooms will be determined by the Town of Schroon's Assessment records and by inspection by the Code Enforcement Officer. The maximum occupancy may be further limited based upon septic system capacity as set forth in Section 4(L) of this Local Law.
- B. There shall be one functioning smoke detector in each bedroom, one functioning smoke detector and a carbon monoxide detector in another centrally located room, and one functioning and inspected fire extinguisher in the kitchen and in each room with an open flame. Detectors must be in compliance with NYS Property Maintenance Code.
- C. All exterior doors shall be operational and passageways to such doors shall be freely accessible and unobstructed.
- D. Each sleeping room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue (egress) window which meets the current State and Town Building Codes requirements for an escape window.
- E. Electrical systems shall be serviceable with no visible defects or unsafe conditions. GFI's shall be located as required.

- F. All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed. If installed, all fireplace, fireplace inserts or other types of fuel burning heaters (excluding furnaces) shall have proper written safe operating instructions provided to any party renting the Short-Term Rental.
- G. The maximum number of vehicles permitted on the Short-Term Rental Property shall be the most restrictive of the following:
1. One vehicle per bedroom, or
 2. the number of available parking spaces (one nine (9) foot by twenty (20) foot space per car)
- To the extent these parking limitations may be inconsistent with the Town of Schroon Zoning Ordinance, the more restrictive requirements shall apply.
- H. No on-street parking is permitted overnight (between the hours of 11:00 p.m. and 7 a.m.). On-street day parking shall not impede local residents or public free entrance and exit to the neighborhood.
- I. Quiet hours for the purpose of this Law shall mean between the hours of 11:00 p.m. and 7:00 a.m. and shall be maintained by all rental occupants and visitors at the rental property.
- J. 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 and a copy of the rules and regulations must be provided to all Short-Term Rental renters and posted in a conspicuous place within the Short Term Rental. 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. As a minimum, the rules and regulations shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, unreasonable noise, abusive or obscene language or gestures in public. The rules will specifically advise renters of this Local Law and the penalties for violations of this Local Law. The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request from law enforcement officers or the Town's Code Enforcement Officer or designee. The rules and regulations shall be enforced by the Short-Term Rental Owner.
- K. Provisions shall be made by the Short-Term Rental Owner prior to actual rental for timely garbage removal during rental periods. Garbage containers shall be secured with tight fitting covers at all times to prevent leakage, spillage and odors, and be placed where they are not clearly visible from the street or road except as required for pick-up times.
- L. All private septic systems serving Short-Term Rental Properties, regardless of age of the system, must have their septic tanks pumped at a minimum of every three years and proof of the septic pumping shall be necessary for renewal of the Short-Term Rental permit. The maximum occupancy of the Short-Term Rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area. A system failure will require a new passing inspection report.
- M. A 9-1-1 house number visible from the street or road shall be maintained.

- N. The Short-Term Rental must be registered with the Occupancy Tax Program administered by the Essex County Treasurers Office.
- O. Short-Term Rentals shall comply with all Local, State and Federal Laws and Regulations.
- P. The Owner of record of the Short-Term Rental shall provide proof of insurance to the Code Enforcement Officer that includes coverage for Short-Term Rentals.
- Q. The Short-Term Rental Owner must provide all owners of property adjacent to the Short-Term Rental with the name, address and telephone number of a contact person or entity. Such contact person or entity must be able to address any complaint received regarding the Short-Term Rental site within one (1) hour of receiving the complaint. The contact person or entity must also document all complaints and responses and submit them to the Town within twenty-four (24) hours. A copy of the contact person or entity name, address and phone number shall be maintained in the Short-Term Rental, provided to the Code Enforcement Officer and made immediately available upon request from law enforcement officers or the Code Enforcement Officer or designees.

SECTION 5. ENFORCEMENT AND PENALTIES.

- A. All Short-Term Rental owners shall comply with all the provisions of this Local Law and all orders, notices, rules, regulations and/or determinations issued in connection therewith.
- B. It shall be unlawful for any person, association, firm, company or corporation to violate any provisions of this Short-Term Rental Law. It shall also be unlawful for any person, association, firm, company or corporation to own, occupy or operate any property in violation of this Short-Term Rental Law.
- C. The Town's Code Enforcement Officer or designee shall be granted access upon reasonable request to the Short-Term Rental Property for the purpose of inspection and/or enforcement of compliance with the Short-Term Rental regulations.
- D. Whenever it is found that there has been a violation of this Local Law or any rule or regulation adopted pursuant to this Local Law, the Code Enforcement Officer may issue a violation notice and/or appearance ticket or summons and complaint to any person, association, firm, company or corporation in violation hereof.
- E. The Town's Code Enforcement Officer or designee 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.
- F. Any person 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 by a fine and/or civil penalties of not more than \$950 for each offense.
- G. A civil action or proceeding in the name of the Town of Schroon, 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 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.

H. 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 Town's Code Enforcement Officer or designee determines that a violation has occurred.

SECTION 6. 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.

SECTION 7. EFFECTIVE DATE.

This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law. Enforcement of the Local Law shall be deferred to January 1, 2023.