

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

____ County ____ City Town ____ Village

of Blenheim _____

Local Law No. _____ of the year 2023

A local law

Short Term Rental Regulations

Be it enacted by the ____ TOWN COUNCIL _____ of the

____ County ____ City Town ____ Village

of _____ Blenheim _____ as follows:

SEE ATTACHMENT FOR THE TEXT OF THIS LOCAL LAW

(if additional space is needed, attach pages the same size as this sheet, and number each)

SHORT TERM RENTAL (STR) REGULATIONS

Town of Blenheim **Local Law X of 2023**

Section 1: Description

A local law requiring those properties being rented on a short-term, transient basis, meet certain minimum safety and regulatory requirements set by the State of New York that ensures the safety, general welfare and health of persons occupying short term rentals and the neighboring properties and residents while mitigating potential liability against the Town of Blenheim.

The local STR Law seeks to protect the public interest(s), preserve rural beauty, tranquility and residential character while mitigating any potential adverse effects of STR's on adjacent properties and the community as a whole.

Section 2: Purpose

In consideration of the increased interest in realizing income opportunities relating to non-resident properties in the Town of Blenheim and surrounding communities, there has been an increase in the number of property owners renting housing to tourists and visitors on a short-term transient basis. The purpose of this local law is to regulate short term rentals (STR's) allowing permitted residents of the Town of Blenheim to take advantage of the economic benefits of STR's, while protecting the renters and all residents of the Town of Blenheim by ensuring compliance with minimum safety and regulatory requirements set forth by the State of New York. This local law establishes regulations and standards for all Town of Blenheim property owners that desire to rent their property on a short-term, transient basis.

Section 3: Definitions

The following words, terms, and phrases, when used in the contest of this Local Law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Guest: A renter at a Short-Term Rental who occupies such STR on an overnight basis for a period of not more than thirty (30) consecutive days.
- B. Hosted Property: Owner resides on the property on which an STR is located.
- C. Local Property Manager (LPM) / Emergency Contact: A person living within thirty (30) miles of the un-hosted Property STR and available to respond within: one (1) hour. Responsibilities of the LPM can include handling the day-to-day operation of the STR, assuring that all rules and regulations are met by guests including noise, parking and garbage disposal and shall respond

to all complaints from the Town or public. Name, address, and all contact information of the LPM must be filed with the permit application to the Town.

- D. Operator: Person or entity that conducts the business of the STR.
- E. Owner: An individual or group of individuals who has legal or equitable title to the STR property.
- F. Property: A parcel of land and any dwellings and structures contained on it located within the boundaries of the Town of Blenheim.
- G. Short Term Rental: A primary residence or dwelling unit or sleeping unit that is rented or leased in whole or part to one entity for not more than thirty (30) consecutive days. Any dwelling unit, which is rented or leased to individuals, or families who then allow others to occupy the dwelling for not more than thirty (30) consecutive days, shall be considered a short-term rental and will require a permit for such.

For purposes of this definition, "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money or valuable consideration.
- H. Un-Hosted Property: Owner not residing on the STR property but must have a Local Property Manager on file with the Town.

Section 4: Regulations

- A. Every new STR within the Town of Blenheim must obtain a permit prior to commencing operation, and every existing STR within the Town of Blenheim shall apply for an initial permit within ninety (90) days of the effective date of this local law from the Town Code Enforcement Official (hereafter referred to as CEO).
- B. Nonpermanent Structures, Tents, Trailers, Recreational Vehicles, and other camping units are not contemplated hereunder.
- C. Permits shall be applicable to one tax parcel only. If the STR covers more than one parcel, the owner must obtain a permit for each parcel utilized as an STR.
- D. STR permits shall be issued only to the property owner of the STR being registered and may not be transferred or assigned by the Owner listed on the application and shall not be conveyed with a sale or transfer of the property.
- E. Each permit shall have a term of one year expiring one year from issuance. Existing permits must be renewed at least thirty days (applications are due to the Town Clerk) prior to the expected expiration of the existing STR permit by submitting a complete application with the appropriate fee. All permits will be renewed when appropriate inspections are completed.
- F. The CEO, within thirty days of the receipt of a complete application, shall conduct an initial inspection of the following items and upon completion and compliance, the initial permit shall be issued.

1. The structure has a valid certificate of occupancy or compliance.
2. The structure meets NYS Building Code and does not pose a hazard to life, health, or public safety, based on the on-site inspection by the Town CEO.
3. The applicant must have on file a water test result of the potable water supply of the rented dwelling that complies with Subpart 5-1 (non- community water system) of the New York State Sanitary Code. Subsequent water tests shall be required upon annual renewal of the STR permit.
4. The occupancy of the building utilized for the STR shall not exceed the number of persons approved by the CEO based upon bedrooms, in accordance with the current New York State Building Code.
5. A maximum capacity of two guests per bedroom shall be permitted.
6. All parking for STR's must occur on the permitted parcel. No parking on any roads by STR guests, renters or visitors will be allowed unless approved by the Town Highway Superintendent at the time of the initial application and inspection and will be noted on the issued permit. Failure to comply with the requirements herein shall result in a possible revocation of the permit until remedied and approved by the CEO and Highway Superintendent.
7. The applicant shall provide the Emergency Contact / LPM contact numbers on the application and shall prominently display such information in the STR. All emergency calls from any official or renter must be responded to within sixty minutes.
8. Proof of hazard / liability insurance in an appropriate amount shall be provided with the application.
9. The 911 address of the rental property shall be prominently displayed at the roadside of the property in numbers at least four inches high.
10. STR's shall prominently display the following information: name, address, phone number and email address of the owner (Hosted Property) or Local Property Manager (Un-hosted Property) who will be available for problems with the STR or emergencies that may arise; instructions on dialing 911 for emergency fire/ambulance assistance(including STR street address and town); a property map that clearly depicts the STR property boundaries; instructions for garbage/waste disposal (approved container shall be provided by STR owner). This information must be updated if any changes occur, and the CEO must be notified of such within one business day of the change.
11. In all STRs, a fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating all of the following:
 - (a) Means of egress.
 - (b) Location of means for transmitting fire alarms, if any.
 - (c) Evacuation procedures to be followed in the event of a fire or smoke condition or

upon activation of a fire or smoke-detecting or other alarm device.

12. Fire safety requirements including smoke alarms, CO2 alarms, fire extinguishers and egress will be in accordance with the current New York State Fire Code. Fire extinguisher certification and is required every twelve months.
13. STR operators must contract to have refuse removed from the licensed premises weekly. Between pickups all garbage must be stored in an area and in containers that animals of any kind cannot enter or open. Failure to comply will result in the Code Enforcement Officer citing the Operator who will be subject to a \$100 fine for the first occurrence and \$250 for each subsequent violation(s).
14. Certification by Owner that any and all State, County, School, Town and Occupancy taxes applicable to any STR property must be paid in full and current for any STR permit to be issued and / or renewed.

Section 5: Inspections

The CEO shall perform annual fire and safety inspections by appointment to determine the condition of short-term rentals to ensure compliance with this chapter and other applicable laws, To perform inspections, the code official may enter, examine, and survey, during reasonable hours, all buildings, dwelling units, guest rooms and premises on presentation of the proper credentials. The Owner or Host of an establishment, or the person in charge, shall give the code official free access to the building without interference or inconvenience to the guests at the STR.

Section 6: Enforcement

Whenever the Town CEO finds upon inspection of the physical premises or review of applicable records of any short-term rental, that conditions or practices exist that violate any provision of these regulations, the Property Maintenance Code, or any other Law, Rule or Regulation, or that the establishment has failed to comply with any provision, prohibition or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of Schoharie County occupancy taxes, the Town CEO shall serve a written Notice of Violation or Order upon the property Owner or Host. Any such Notice of Violation or Order shall direct that the conditions cited therein be remedied within the time specified in the Notice of Violation / Order.

Absent a Town CEO approved correction or remedy of any Town CEO cited violation, an Appearance Ticket requiring the holder of any STR permit to appear before the Town Justice of the Town of Blenheim at a time to be specified in such summons may be issued. Said order or summons shall be served personally or by certified mail.

Section 7: Penalties for Offenses

A failure to obtain an STR Permit as required by this Section (Section 4) of this law shall be punishable by a fine of \$250. A judgement of any additional offenses, within a period of five years of the first judgement, shall be punishable by a fine of \$500. Each full week that the violation continues shall be deemed a separate offense.

Any person or persons who shall violate any provisions of this chapter shall be guilty of a violation punishable by a fine of not more than \$250 for the first offense and \$500 for each subsequent offenses for the same violation.

Section 8: Fees

STR Fees to be established by the Blenheim Town Board.

Section 9: Separability

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: Effective Date

The effective date of this Local Law will be the date of entry into the files of the New York Department of State.

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