

## Town of Taghkanic Local Law #1 of 2024 - Short Term Rental Regulations

### Section 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE.

The Town Board of the Town of Taghkanic hereby finds the following:

- A. It is in the best interest of the residents of the Town of Taghkanic to regulate the use of dwellings for short term rentals (STRs). Regulating STRs will assist in:
  - 1. preserving the supply of dwellings available for long-term rentals and home ownership by maintaining and protecting Taghkanic's residential market.
  - 2. supporting property owners to stay in their homes by inhibiting real estate speculation and safeguarding long-term housing affordability.
- B. STRs have a positive economic impact within the Town by increasing tourism activity and providing an additional income source for homeowners, and are, therefore, permitted subject to the regulations herein.
- C. It is the intent of the regulations to balance the rights of property owners to the free use of their properties in Taghkanic with the rights of homeowners to enjoy the existing rural and residential character of the town.
- D. This law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10, and New York Town Law Section 261.

### Section 2. DEFINITIONS.

- 1. **Adjacent Property:** A property that shares boundary lines with the property in question, including those separated by a road but otherwise immediately adjacent.
- 2. **Bedroom:** A habitable room in a Dwelling with dedicated provisions for sleeping.
- 3. **Dwelling:** A habitable space used principally as living quarters, with provisions for cooking, eating, and sleeping, having proper potable water sources and waste-water treatment.
- 4. **Designated Local Host:** A person designated by the Owner of a STR to act in the Owner's absence on all matters related to the STR, having a residence within 20 miles of the STR and who is available 24 hours per day, during the entire rental period to respond to complaints or issues, from Guests or residents of the Town, within one hour of notification or receipt.

5. **Good Neighbor Handbook:** A booklet to be made available to all STR Guests, containing but not limited to the following information: statements concerning local community standards, contact numbers for Owner and/or Designated Local Host, and information about local emergency responders and safety regulations.
6. **Hosted Short-Term Rental (STR):** The short-term rental of a room or rooms in a Dwelling in which the Owner is present in the Dwelling during the entire rental period.
7. **Non-Resident Owner:** A person or persons, or business or other legal entity holding title to a Dwelling in which no member of the Ownership entity resides in the property.
8. **Owner:** The natural person or persons holding title to the Dwelling, or, if the property is held by a partnership, corporation, trust or other entity, the beneficiary Owner or Owners of such entity shall be deemed to be the responsible Owner for the purposes of this law.
9. **Principal STR Tenant:** The person(s) responsible for renting a dwelling for a period of less than 30 days.
10. **Rental Period:** The period of consecutive days a STR is rented to one guest or associated group of guests.
11. **Resident Owner:** An Owner or Owners of a Dwelling in the Town of Taghkanic who make a notarized attestation or otherwise document their presence in that Dwelling for a minimum of 60 nights/calendar year shall be understood to be Resident Owners, regardless of whether they are in residence full-time or part-time in any particular year.
12. **Short Term Rental (STR):** The rental of a Dwelling or portion thereof to provide lodging for transient guests for any period of less than thirty (30) days. This definition specifically excludes Bed and Breakfast Establishments, Inns, Hotels, Motels, and Conference Centers.
13. **STR Guest:** Any and each person in the STR tenant's group staying overnight in a Dwelling for a period of less than 30 days.
14. **Un-hosted Short-Term Rental (STR):** The short-term rental of an entire Dwelling from which the Resident Owner is absent during the entire rental period.

**Section 3. SHORT-TERM RENTALS ALLOWED IN THE TOWN OF TAGHKANIC ONLY BY RESIDENTS OF THE TOWN OF TAGHKANIC**

Owner must provide the town with proof of Ownership and a notarized attestation or other documentation that establishes Owner's presence in the Dwelling for a minimum of 60 nights per calendar year.

- A. The operation of the property as a STR must be secondary to the Residential use of the property.
- B. Owner must document residency in the Dwelling for a minimum of 60 nights per year for at least one year prior to operating as an STR.

**Section 4. REGISTRATION AND PERMIT REQUIRED FOR SHORT-TERM RENTALS.**

- A. Owners wishing to operate a Short-Term Rental must register their intent to do so by applying to the Code Enforcement Officer of the Town of Taghkanic for a STR Permit.
  
- B. Permit application will include:
  - 1. Name and contact information of Owner, including mailing address, email address, and a phone number at which Owner can be reliably contacted at any time.
  - 2. Evidence that property Owner is a Resident of the Town of Taghkanic, as defined in Section 3, above.
  - 3. Evidence that the following safety provisions have been met:
    - a. A safety/egress plan that upon registration shall be sent to the local Fire Company.
    - b. Confirmation that the listed address aligns with Columbia County 911 and EMS System information, and that Dwelling has a County 911 emergency address marker visible from the road.
    - c. Information about any other property features, in the discretion of the Code Enforcement Officer, that may require the notice of local first responders, including location of access gates, accessory structures, bodies of water, solar panels, and all fireplaces and wood-burning appliances.
    - d. Documentation of yearly cleaning of active chimneys.
    - e. Documentation of a Septic Inspection within three years of the date of STR Registration.
  - 4. Information on property specifications, as required in the discretion of the Code Enforcement Officer, including but not limited to:
    - a. Number of bedrooms, and location and floor of each bedroom.
    - b. Maximum number of allowable guests.
    - c. A plan for off-road and on-site parking adequate for the number of permitted guests.
    - d. The Owner shall provide an attestation that the property meets the Town requirements as set forth in this law, as either a hosted STR or un-hosted STR, and they shall represent with the attestation that the property complies with the requirements as provided herein.
  - 5. Complete contact information for Designated Local Host, including:
    - a. Name, mailing address, email address, and a phone number at which Designated Local Host can be reliably reached at any time.
    - b. Designated Local Host must sign this section of Registration paperwork.
  - 6. A plan ensuring trash will be removed at least once per week and will not be left at roadside on any day other than the day of pick-up.
  - 7. The STR Permit will be valid for 1 year from the issuance date.
  - 8. The STR Permit must be renewed annually by application to the Code Enforcement Officer.
  - 9. On application for renewed STR Permit, Owner must attest that property specifications remain as represented in any initial Registration or describe all changes accurately and completely.
  - 10. A non-refundable Fee shall be charged upon receipt of each Registration and Application for STR Permit, as set by resolution of the Town Board.
  - 11. Variances to STR regulations may not be granted by the Code Enforcement Officer.

**Section 5. PERMIT FEES.**

- A. Permit fees are established as follows:
  - 1. New STR Permit: \$400.00
  - 2. Renewal of an existing permit: \$200.00
  
- B. If a Short-Term Rental Permit lapses for any reason, the permit fee will be charged as a new permit.

**Section 6. INSPECTION A PREREQUISITE FOR APPROVAL OF A SHORT-TERM RENTAL PERMIT.**

- A. Owner must arrange and pay for inspection by an independent licensed New York State Home Inspector who must confirm that Dwelling and all regulated property features meet all health, fire, and safety requirements before a STR Permit will be issued. Such inspection report shall be provided to the Code Enforcement Officer with any application for an STR.
  
- B. Upon completion and CEO approval of Inspection, a STR Permit will be issued by the Code Enforcement Officer and filed with the Town Clerk.
  
- C. If an Inspection fails, or any deficiencies are noted in the inspection, or by the CEO, the CEO will advise the applicant in writing of corrective action required.
  
- D. At the discretion of the CEO, Re-inspection may be required as a prerequisite for annual STR Permit renewal, if there is reason to believe conditions of the property have changed.
  
- E. Owner will arrange any required re-inspection as per Section 6.D., above.

**Section 7. TYPES OF SHORT-TERM RENTALS PERMITTED IN TAGHKANIC.**

- A. **Un-hosted STR:** The rental for a period of less than 30 days, in which the Resident Owner is not present during the rental period, will be permitted under the following conditions:
  - 1. Un-hosted STRs must have a Designated Local Host as defined herein.
    - a. The Designated Local Host must reside within 20 miles of the STR.
    - b. The name and contact information for the Designated Local Host must be shared with all Owners of Adjacent Properties and with the Code Enforcement Officer of the Town.
    - c. The Designated Local Host must be available 24 hours per day, during the entire rental period.
    - d. The Designated Local Host must respond to complaints or issues, from Guests or residents of the Town, within one hour of notification.
  - 2. The Owner must immediately notify the Code Enforcement Officer of the Town, and all Adjacent Property Owners, if the Designated Local Host changes.

3. The Principal Tenant of an Un-hosted STR must be at least twenty-five years old.
- B. **Hosted STR:** The rental for a period of less than 30 days of a room or rooms in a Dwelling, when the Resident Owner is present, will be permitted under the following conditions:
1. The Owner of the Hosted STR must be in residence during the entire rental period.
  2. If the Owner of a Hosted STR must be absent overnight at any time during a Rental Period, a Designated Local Host who meets all requirements as defined herein must be available.
  3. The CEO of the Town must be given written notice in advance of the Owner's anticipated absence, with the dates and duration of the absence and all contact information for the Designated Local Host, including written confirmation from the Designated Local Host.
  4. The Owner may not be absent for any part of consecutive rental periods, nor for more than two rental periods in any calendar year, or the property must register and be regulated as an Un-hosted STR.
  5. A Hosted STR may not serve any meals. A lodging that fits the existing description of a Bed and Breakfast will be regulated as such.
- C. All STRs must observe the following **capacity limits:**
1. There may be at most four Bedrooms offered as accommodations in a STR.
  2. Each Bedroom in a STR may accommodate no more than 2 adult guests per room.
  3. Two children 12 years of age or younger may be counted as the equivalent of one adult guest.
  4. Infants under the age of two will not be counted in the total number of guests.
- D. The CEO shall apply the above criteria to establish the maximum occupancy for occupants and guests of the STR use.
- E. Any property in the Town of Taghkanic that operates for any part of the year as a Short-Term Rental must comply with all pertinent STR regulations.

#### **Section 8. SHORT TERM RENTALS MAY NOT SERVE AS EVENT VENUES.**

- A. STRs are intended as short-term housing only and shall not be advertised for, nor used as, event venues for weddings, reunions, and other large gatherings by the renters or members of the renter's group.
- B. Parties, gatherings, and events that exceed the established STR occupancy limits including occupants and guests as established by the CEO for that property, are expressly forbidden at STR properties in the Town of Taghkanic, regardless of Owner's authorization.

**Section 9. EXPIRATION OF STR PERMIT WITH SALE OR TRANSFER OF PROPERTY.**

- A. STR Permits issued in the Town of Taghkanic are non-transferable.
- B. All STR Permits shall terminate upon any change in Ownership of the property.
- C. New Owners who wish to operate a STR must register for and obtain a new STR Permit prior to any STR of the property.

**Section 10. REQUIRED POSTINGS AND COMMUNICATIONS.**

- A. All necessary safety and operational information must be posted in a prominent location in the STR and where noted below, in each bedroom, for easy access of guests and visitors, including:
  - 1. A safety/egress plan and correct County 911 address information must be posted, including in each bedroom.
  - 2. All contact information for Owner, Designated Local Host, and any other personnel must be posted.
  - 3. Parking and Trash plans must be posted.
- B. The Town of Taghkanic “Good Neighbor Handbook” must be made available to all STR Guests.

**Section 11. EMERGENCY MANDATES.**

- A. Owners of STRs, their Designated Local Hosts, and their Guests are subject to all restrictions of any declaration of a State of Emergency, and must all obey and abide by any local, state, or federal disaster declarations, including closure, evacuation, and contact tracing provisions.
- B. The Town of Taghkanic may require the STR Owner or Local Host to communicate specific rules to Guests, when necessary, and may require documentation of said communications.

**Section 12. REQUIRED RECORDKEEPING.**

- A. The Town requires that Owners of STRs will maintain accurate records of all Short-Term Rental activity, in particular the name and contact information for the Principal STR Tenant, total number of guests, and booking dates.
- B. These records must be available if needed by Law Enforcement or Emergency Services, or in any Emergency Declaration
- C. Record must be kept for three years.

**Section 13. COMPLIANCE AND PENALTIES.**

- A. Violations of this Section or of any Short-Term Rental permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in the Town of Taghkanic Zoning Code.
- B. The Town of Taghkanic may require the STR Owner or Local Host to communicate specific rules to Guests, when necessary, and may require documentation of said communications.

**Section 14. GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.**

- A. In the discretion of the Code Enforcement Officer, a Short-Term Rental Permit may be immediately suspended based on any of the following grounds:
  - 1. Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
  - 2. Applicant failed to meet or comply with any of the requirements of this law.
  - 3. Owner is not in compliance with any provision of the Town of Taghkanic Zoning Code.
  - 4. Owner is not in compliance with any provision of the Penal Code of the Stat of New York, which condition occurred at, or related to, the occupancy of the Short-Term Rental.
  - 5. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- B. Such suspension shall remain in effect, and the STR shall not operate, until such time the condition or conditions are remedied, and the CEO finds compliance.
- C. Nothing in this section shall prevent the Town from ensuring compliance or undertaking enforcement by any other means. The Town shall have any other and further remedies, at law or otherwise, now existing, or as may hereafter be provided for under the Laws of the State of New York, and any and all such remedies shall be deemed cumulative, and the pursuit of any remedies shall not be construed as an election or the waiver of the right to pursue any and all others.

**Section 15. VALIDITY AND SEVERABILITY.**

- A. If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this local law.

**Section 16. EFFECTIVE DATE.**

- A. This local law shall be effective after adoption and filing with the Secretary of State.
- B. All properties that have premises subject to the STR requirements as defined herein shall have a period of 6 months from the effective date of this law to make application and full compliance as required herein. No tenancies or STR uses as the term is defined herein are deemed exempt, pre-existing nonconforming uses or “grandfathered” from the provisions of this local law.