

LOCAL LAW NO. \_\_ OF THE YEAR 2019

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)  
OF THE TOWN CODE OF  
THE TOWN OF PAWLING  
ENTITLED “SHORT TERM RENTALS”**

**BE IT ENACTED** by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Section 215-3 of the Zoning Code of the Town of Pawling is hereby amended with the insertion of a new definition of “Short-Term Rental” to read as follows:

SHORT-TERM RENTAL- A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights, and is not regulated by any other section of the Code of the Town of Pawling. “Rental” means an agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of short-term rental by a record owner of a property shall not be considered a rental under this section.

Section 2: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-44.1 to read as follows:

§ 215-44.1 Short-Term Rental Regulations.

- A. Intent . To guide the future growth of the Town, while preserving the rural character of the neighborhood, protect the health safety and welfare of surrounding community, residents of the Town, and the Short Term Rental transient occupants. Promote a beneficial way for property owners to monetize extra space in exchange for rental income to offset expense, maintain properties aesthetics and values within a neighborhood.
- B. Permit Required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit, apartment within a dwelling unit, or any bedroom within a dwelling unit, is to be used for short-term rental purposes.
  - (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
  - (2) A short-term rental permit shall be valid for one calendar year and must be renewed upon expiration as long as the unit is used as a short-term rental.
  - (3) The short-term rental permit is transferrable to a new owner of said premises, so long as the owner registers with the Town updating the short-term rental permit application, and agree in writing to comply with the requirements of the short-term rental permit and these regulations.

- (4) If the terms of the short-term rental permit are violated or these regulations not followed, the short-term rental permit may be revoked by the Building Inspector subject to the penalties of Chapter 11 of the Code of Pawling, and the penalties set forth below.
- (5) Owners of existing Short Term Rentals must file for a permit within 90 days of the effective date of this local law in order to be in conformity with the local law.

C. Notification to Neighbors: As a condition precedent to submitting an application for a Short Term Rental Permit, the applicant must send written notification to all property owners within the following radius of the subject property of the applicant's intent to apply for a Short Term Rental Permit, by certified mail, return receipt requested:

- (1) If a subject property is located partially or wholly within a commercial zoning district, the Highway Business, or CD-5 Zoning District, a radius of 500 feet;
- (2) If a subject property is located partially or wholly within the R-3 or R-4 Zoning District, a radius of 300 feet; or
- (3) If a subject property is located partially or wholly within the R-1 or R-2 Zoning District; a radius of 150 feet.

The applicant shall obtain the most current addresses for the neighboring property owner's from the assessor's office. Such notice must include:

- (1) The number of rooms that the applicant intends to rent on a short term basis. If the application is for the entire house, then the notice shall include the number of bedrooms, as defined below, within the house.
- (2) The names and contact information for all property owners of the short term rental, including current telephone number and email addresses.
- (3) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- (4) The parking plan for the short term rental.

With the application the applicant must provide a notarized affidavit affirming that the certified mailings have been sent, a list of the property owners within the specified distances and copies of any and all receipts and return receipts.

D. Short-Term Rental Permit Application Requirements. An application for (or renewal of) a short-term rental permit signed by all persons and entities having ownership interest in the subject property, shall be submitted to the Building Inspector, shall be accompanied by payment of a permit fee, to be determined by the Town Board by separate resolution, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on a form provided by the Town, and shall provide the following information:

- (1) A list of all property owners of the short-term rental including names, addresses, telephone numbers and email addresses.
- (2) Completion of a signed and notarized affidavit by all property owners certifying the following:
  - (a) Compliance with the following standards:
    - (i) There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector. In addition, the premises must comply with all NYS Building and Fire Code regulations, as the same may be amended.
    - (ii) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
    - (iii) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
    - (iv) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
    - (v) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
  - (b) The number of sleeping rooms within one short-term rental, as defined in this section.
  - (c) The number of parking spaces on the property that meet the standards set forth below.
  - (d) Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.
  - (e) Affidavit pursuant to Chapter 67 of the Town Code, entitled "Application Processing" certifying that there are no violations on the property.
- (3) A detailed plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate suitable plan need not be prepared by a professional.
- (4) If the property is served by a private septic system, a septic inspection report, dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area and location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. 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, as set forth in the regulations of the NYS 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. A system failure will require a new passing inspection report.

- (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- (6) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

E. Short-Term Rental Standards. All short-term rentals shall meet the following standards:

- (1) The maximum occupancy for each short-term rental shall be the smaller of:
  - (a) The maximum number of people allowed based on the septic inspection report, if applicable; or
  - (b) The number of people calculated on the basis of 2 persons per sleeping room (unless the room size is below 100 square feet), plus an additional 2 persons. For this purpose, a sleeping room is defined as a fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (2) The property must have sufficient off street parking spaces in compliance with the requirements of Section 215-34 (Off Street Parking and Loading) of this Chapter, to accommodate the maximum occupancy.
- (3) Tenants and guests shall park in the off street parking spaces required by Section 215-34 of the Town Code and shall not park on the street.
- (4) A house number visible from the street or road shall be maintained.
- (5) Provisions shall be made for garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling of odors, and placed where they are not clearly visible from the street or road except around pick-up time.
- (6) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit. All signs must comply with any and all requirements of the Town of Pawling Town Code.
- (7) No short term rental shall be used for a Special Event as defined in Town Code Chapter \_\_\_\_\_ without first applying for and obtaining a Special Event Permit consistent with the provisions of said Chapter.

F. Procedure Upon Filing Application.

- (1) Upon filing the permit application, fee, and supporting affidavits with the Town Building Inspector, the Town Building Inspector shall have 30 days

to review the application, inspect the property, and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Building Inspector.

- (2) In submitting the application for a new permit or any renewal, the Owner consents to an inspection of the property to ensure compliance with all conditions.
- (3) In issuing a short-term rental permit, the Building Inspector may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals, so long as such conditions and restrictions are consistent with the requirements of the Town Code and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community. The Building Inspector may review any written complaints or concerns of neighbors and take such complaints and concerns into account when determining reasonable conditions.
- (4) The Town Building Inspector may deny an application for any of the following reasons:
  - (a) The application is incomplete, the documentation required by this Chapter was not included with the application or the full permit fee, in payment form acceptable to the Building Department, was not included with the application.
  - (b) The Town of Pawling issued a short-term rental permit to any of the owners of the subject property and any of such owners had a short-term rental permit revoked within the previous year.
  - (c) The affidavit from the owners or an inspection conducted by the Building Inspector as authorized in this section evidences that the subject property is not in compliance with this Chapter or Chapter 67.
  - (d) The detailed plan submitted with the application does not comply with the requirements of this section.
  - (e) A private septic inspection report submitted with the application does not comply with the requirements of this section and with all East of Hudson requirements for maintenance of such septic systems as the same may be amended from time to time.
- (5) Short-term rental permits issued pursuant to this section shall state the following:
  - (a) The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
  - (b) The maximum occupancy and vehicle limits for the short-term rental unit;
  - (c) Identification of the number of .and location of parking spaces available;

- (d) A statement that littering is illegal;
- (e) A statement that all outdoor fires must be attended;
- (f) A statement that guests must comply with the Noise ordinance of the Town of Pawling, as set forth in Section, 215-35, which ordinance will be enforced by any law enforcement agency properly exercising jurisdiction over the premises or incident;
- (g) A statement that the short-term rental permit may be revoked for violations; and
- (h) Any conditions imposed by the Town Building Inspector.

G. Conformity and Display of Permit.

- (1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- (2) Prior to any tenants coming onto the short-term rental property:
  - (a) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
- (3) The owners must ensure that current and accurate information is provided to the Town Building Inspector and that they notify the Building Inspector immediately upon any information contained on the permit changing.

H. Compliance, Hearings and Penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Pawling, Dutchess County, New York State and shall be subject to the enforcement and penalty proceedings contained in this Chapter.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- (1) The complaining party must file a complaint with the Building Inspector on a form provided by the Building Department including the date, time and nature of the alleged violation. The complaining party may also contact the local police/sheriff department. A copy of the complaint must be provided to the Building Department.
- (2) The Town Building Inspector shall investigate the complaint. Any person who commits or permits any act in violation of any provisions of this chapter shall be deemed to have violated this chapter and to have committed a misdemeanor against the chapter and, shall be liable to the following penalties, following prosecution consistent with the laws of the State of New York:
  - (a) For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than five hundred dollars (\$500.) nor less than one hundred dollars (\$100.) or imprisonment not to exceed one (1) year, or to both such fine and imprisonment.
- (3) In addition to finding a violation, the Building Inspector may do any of the following depending on the circumstances:
  - (a) Attach reasonable conditions to the existing short-term rental permit;

- (b) Suspend the short-term rental permit; and/or
- (c) Revoke the short-term rental permit.
- (5) Should a permit be revoked, none of the owners of the short-term rental property will be permitted to apply for any short term rental permit for one year from the date of revocation.
- (6) The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint.
- (7) In addition to the above-provided penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Section 3. Tourist Home and Boardinghouse Uses.

This local law is intended to replace and supplement any and all provisions of the Pawling Town Code pertaining to Tourist Homes and Boardinghouses. This provision will govern the regulation of such short term rental uses.

Section 4. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: \_\_\_\_\_, 2019

BY THE ORDER OF THE TOWN BOARD  
TOWN OF PAWLING