

SHORT-TERM RENTALS

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Chapter 100

Short-Term Rentals

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 7-29-2021 as L.L. 01-2021.]

GENERAL REFERENCES

Zoning - See Ch. 134.

§ 100-1. Purpose.

The purpose of this article is to:

- A. Legalize and regulate short-term rentals in the Village of Cold Spring and assure that short-term rental units meet applicable Village of Cold Spring and NYS fire and safety standards.

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- B. Regulate and minimize quality of life impacts, such as parking, noise and trash, sometimes associated with short-term rentals.
- C. Preserve the residential and community character of the Village and its neighborhoods.
- D. Short-term rentals have the potential to be incompatible with the character of the neighborhood, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential neighborhoods and will not harm and/or alter the neighborhoods they are located within.
- E. Short-term rentals have the potential of removing full-time residential housing from the housing market, driving up market rates and creating housing shortages. Limiting short-term rentals will safeguard, preserve and protect residential housing stock in the Village of Cold Spring.
- F. Short-term rentals have the potential to minimize the number of full-time residents, thereby reducing the number of available volunteers for such functions as emergency workers, board members, scouting leaders, athletic coaches, etc. Regulations limiting the number of short-term rentals can minimize this effect.
- G. Provide economic support for Village residents who would benefit from rental income.
- H. Provide lodging for visitors to the Village and support the local economy.
- I. The limit on certain types of short-term rentals is based on seven and one-half percent (7.5%) of the total R-1, I-1, and B-1 properties which is six hundred fifty-five (655) at the adoption of this local law.

§ 100-2. Definitions.

ACCESSORY BUILDING – A supplemental building or structure the use of which is incidental to that of a main or principal building or structure and located on the same lot.

AGENT - Person designated by host to act on host’s behalf in the absence of the host.

BEDROOM – A room in a residence, designated primarily for sleeping, having four (4) walls and a door. Bedrooms must have access to sanitary facilities providing a sink, toilet, potable running water and shower/bathtub. Additionally, room must be a minimum of eighty (80) square feet, have at least two (2) means of egress, one of which must be an egress window, and a seven (7) foot minimal horizontal measure in any direction.

GUEST – A person who, for considerations, uses, possesses or has the right to use or possess any room subject to the terms of this chapter; a person occupying a residence rented as a short-term rental.

HOST –The person who owns the property in the Village being offered for short-term rental.

HOSTED SHORT-TERM RENTAL - A short-term rental during which the host remains in the residence during the entire term of the rental.

OWNER – Host (see above).

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OWNER-OCCUPIED – Occupied by property owner of record as primary residence and where owner resides for no fewer than two hundred and sixty (260) nights of a calendar year. For clarity, this does not mean the owner must be present during the period of time the property is being rented as a short-term rental.

PRIMARY RESIDENCE – Residence on property where owner resides no fewer than two hundred and sixty (260) nights per calendar year.

PUBLIC LOTTERY - Random drawing to determine recipients of short-term rental permits.

RESIDENCE -The place where one lives.

SHORT-TERM RENTAL (STR) - Rental of any residence or space therein to visitors in exchange for a fee or compensation, whether monetary or otherwise, for dwelling, sleeping or lodging. The term “short-term rental” does not include Bed & Breakfast, Hotel establishments or Tourist Homes. (see Chapter 134 - Zoning). Any residence used for an STR must be owner-occupied for no fewer than two hundred and sixty (260) nights per calendar year.

SHORT-TERM RENTAL UNIT - The residence rented for use as a short-term rental. A short-term rental unit may be the entire residence, or it may be specific bedrooms in the residence.

ONE-TIME SHORT-TERM RENTAL PERMIT - A one-time permit issued for up to fourteen (14) consecutive nights in any calendar year.

UNHOSTED SHORT-TERM RENTAL- A short-term rental during which the host is not present on-site during the full term of the rental.

VILLAGE – The Village of Cold Spring.

§ 100-3. Short-Term Rental Classifications, Fees.

- A. The Village of Cold Spring will allow three (3) classifications of Short-Term Rentals. The classes of Short-Term Rentals and the total number of each allowed in the Village at any one time are:
- (1). **HOSTED SHORT-TERM RENTAL** - Rental for a period of no less than two (2) consecutive nights and no more than twenty-nine (29) consecutive nights. The maximum number of nights a Hosted Short-Term Rental Unit may be rented out as an STR is ninety (90) nights per calendar year. No more than thirty-three (33) registered Hosted STRs allowed.
 - (2). **UNHOSTED -SHORT-TERM RENTAL**- Rental for a period of no less than two (2) consecutive nights and no more than twenty-nine (29) consecutive nights. The maximum number of nights an Unhosted Short-Term Rental Unit may be rented out as an STR is ninety (90) nights per calendar year. No more than sixteen (16) registered Unhosted STRs allowed.
 - (3). **ONE-TIME SHORT-TERM RENTAL** – Rental for one-time only in a calendar year, for either a maximum of one (1) fourteen (14) consecutive night rental, or a maximum

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of two (2) seven (7) consecutive night rentals. An unlimited number of registered One-Time STR Permits is allowed.

- B. All Short-Term Rental permit and application fees shall be listed in the Village's Master Fee Schedule. These may be changed from time to time by resolution of the Village Board of Trustees.

§ 100-4. Short-Term Rental Requirements, Permits.

- A. All STRs must have a Village of Cold Spring Short-Term Rental Permit to operate in the Village of Cold Spring.
- B. Each property/tax ID within the Village can only be used for one (1) STR Unit at any given time.
- C. Only one type of STR Permit (Hosted, Unhosted, One-Time) will be allowed to a Host per calendar year
- D. STR Permits will be good for one (1) year.
- E. STR Permits are not transferable.
- F. Short-Term Rentals will be allowed only in the R-1, I-1 and B-1 zoning districts.
- G. All STRs in an R-1 or I-1 zoning district will be required to have one (1) off-street parking space.
- H. An Accessory Building cannot be used as an STR.
- I. Temporary structures, tents, trailers and Recreational Vehicles are prohibited for the purpose of STRs.
- J. A registered STR cannot abut another registered STR.
- K. No STR Permit shall be approved for a property within three hundred (300) linear feet from a property on the same street where a current STR Permit has been issued.
- L. Only Owner-Occupied structures may be used for an STR.
- M. If a building contains multiple residences, only one residence in the building shall be permitted to obtain a Short-Term Rental Permit.
- N. Properties owned by corporations, LLCs, and other such entities cannot be used as an STR, unless the property is Owner-Occupied by an individual that holds a minimum of a fifty percent (50%) ownership interest in such entity.
- O. No signage is allowed that defines the property as an STR.
- P. The house number of the STR must be displayed on the STR property and easily read from the street.

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§ 100-5. Permit Application Procedure for All Short-Term Rental Classifications.

- A. The Village will advertise in the paper of record for STR Permit applications no later than July 15th of each calendar year.
- B. Applications will be accepted from August 1st to August 31st of each calendar year for use for the following calendar year.
- C. An application must be accompanied by the non-refundable application fee and must contain the following information:
 - (1). The name, address, apartment number if applicable, primary and cellular telephone numbers and email address of the STR Host.
 - (2). The street address and Tax Map ID number of the STR property.
 - (3). The name, address, primary and cellular telephone numbers and email address of the authorized Agent able to respond, on site, to any issues in person within twenty (20) minutes if the Host is not available.
 - (4). The number and locations of bedrooms that will be offered in the STR property.
 - (5). A notarized statement that the STR property is Owner-Occupied.
 - (6). Proof that the STR property has been Owner-Occupied by the person now applying for an STR permit for a minimum of three (3) years prior to offering the property as an STR.
 - (7). Two (2) documents that confirm the STR property is the owner's Primary Residence. One required document is a copy of the filed New York State Resident Income Tax form from the prior year (can be redacted of all data so that it shows at least the applicant's name and Home Address). Additional acceptable documents are current NYS Driver's License, Voter Registration, Village of Cold Spring water bill.
 - (8). Proof of proper insurance - Short-Term Rental hosts must provide proof of personal liability insurance of not less than five hundred thousand dollars (\$500,000). They must also provide proof that their carrier has no coverage restrictions in relation to Short-Term Rentals.
 - (9). Location of the house number of the STR as displayed on the STR property.
 - (10). Location of the off-street parking space on the STR property (applicable to R-1 and I-1 zoning districts only).
 - (11). Record of the number and dates of STR Guests from the previous calendar year (if property received an STR Permit for the previous calendar year).
 - (12). The Host shall sign an indemnification and hold harmless agreement, agreeing to indemnify, save, protect, hold harmless, and defend the Village of Cold Spring, the Village Board of Trustees of the Village of Cold Spring, individually and collectively, and the Village of Cold Spring representatives, officers, officials, employees, agents,

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and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of Host's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.

- (13). Any Host with a "shared driveway" must include, with the Host's application for an STR Permit, a written, notarized statement from each property owner who shares a driveway with the Host stating that they agree to sharing the driveway with STR guests.

§ 100-6. Verification of Hosted and Unhosted Short-Term Rental Permit Applications.

- A. During the period from September 1 to September 30, all submitted STR applications will be verified.
- B. If any of the application information cannot be verified, the person who submitted the application will be notified that their application is not yet considered properly completed. That person will be able to correct their application and/or correct the condition(s) prior to September 30. If the application and/or condition(s) are not corrected by September 30, the application will not be eligible for the Public Lottery for the following year.
- C. Once application information is verified, applications for Hosted and Unhosted Short-Term Rentals will be eligible for the Public Lottery.
- D. The Public Lottery System does not apply to One-Time Short-Term Rental Permits.

§ 100-7. Public Lottery System for Hosted and Unhosted Short-Term Rental Permits.

The procedure for the Public Lottery for Hosted and Unhosted Short-Term Rental Permits is as follows:

- A. From the total number of properly completed and verified applications received, no more than thirty-three (33) Hosted and sixteen (16) Unhosted applications will be randomly drawn beginning October 1.
- B. For each application that is drawn, it will be determined by the Village Clerk that the tax map id on the application that is drawn does not abut the tax map id of any previously drawn application and that the tax map id is not within three hundred (300) linear feet on the same street as the tax map id of any previously drawn application. Any application for a tax map id that does abut a previously drawn application or that is within three hundred (300) linear feet on the same street of any previously drawn application and will be considered to be non-selected.
- C. Applicants for each of the selected applications will be notified. The applicant must schedule and satisfactorily complete an annual inspection from the Code Enforcement Officer prior to issuance of permit. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Cold Spring Code and the New York State Uniform Fire Prevention and Building Code (the Uniform

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Code). Once an applicant's inspection is satisfactorily completed, the applicant must provide the STR Permit fee and will receive a Short-Term Rental Permit and permit number for the next calendar year. If the inspection is not satisfactorily completed by November 30 or if the applicant does not provide the STR Permit fee by that date, the applicant will not receive a permit for the next calendar year.

- D. If fewer than thirty-three (33) Hosted Short-Term Rental Permits or fewer than sixteen (16) Unhosted Short-Term Rental Permits are issued as a result of the Public Lottery System and subsequent inspections as in § 100-7 C, any applications which were considered to be non-selected in § 100-7 B will be reevaluated to determine if those non-selected applications now qualify. Those applications will then proceed through § 100-7 C.
- E. If fewer than thirty-three (33) Hosted Short-Term Rental Permits or fewer than sixteen (16) Unhosted Short-Term Rental Permits are issued as a result of the Public Lottery System and subsequent inspections, and as a result of the reevaluations in § 100-7 D, and if there are applications which were not drawn in § 100-7 A, additional applications will be drawn as in §100-7 A and the procedure will resume with those applications.

§ 100-8. Verification of One-Time Short-Term Rental Permit Application.

- A. One-Time Short-Term Rental Permit applications can be submitted either during the period from September 1 to September 30, or during the period from March 1 to March 31.
- B. All submitted One-Time Short-Term Rental Permit applications will be verified either by September 30 or by March 31.
- C. If any of the application information cannot be verified, the person who submitted the application will be notified that their application is not yet considered properly completed. That person will be able to correct their application and/or correct the condition prior to either September 30 or March 31.
- D. Applicants for One-Time Short-Term Rental Permits must schedule and satisfactorily complete an annual inspection from the Code Enforcement Officer prior to issuance of a One-Time Short-Term Rental Permit. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Cold Spring Code and the New York State Uniform Fire Prevention and Building Code (the Uniform Code). Once an applicant's inspection is satisfactorily completed, the applicant must provide the One-Time Short-Term Rental Permit fee and will receive a One-Time Short-Term Rental Permit and permit number for the next calendar year. If the inspection is not satisfactorily completed by November 30 or May 31 or if the applicant does not provide the STR Permit fee by the appropriate date, the applicant will not receive a permit for the next calendar year.
- E. Only one (1) One-Time Short-Term Rental Permit will be allowed per calendar year.

§ 100-9. Regulations for all Short-Term Rentals.

The operation of an STR must comply with the following regulations:

- A. All Short-Term Rentals shall be offered to only one party of Short-Term renters at a time; not rented as separate bedrooms, beds, or spaces to separate parties.
- B. Two (2) adults and one (1) child, under 12 years of age, allowed per bedroom with a maximum of four (4) adults and four (4) children per an entire Residence.
- C. The Host of an STR unit shall use best efforts to ensure that the Guests of the STR do not create unreasonable noise or disturbance, engage in disorderly conduct, violate any provisions of the Village Code, or violate any law pertaining to disorderly conduct, the consumption of alcohol, or the use of illegal drugs.
- D. No exterior lighting of the Residence shall be permitted from 10 pm to 6 am, except for such lighting of driveways or walkways as may be necessary for security and for safe ingress and egress of persons entering or exiting the STR.
- E. Trash, refuse and recycling, and the bins or containers thereof, shall not be left and/or stored within the public view, except that covered bins or containers may be left curbside for the purpose of scheduled collection. No container shall be left on or near the curb or the edge of the Street for collection for more than twenty-four (24) hours.
- F. An STR property may not be used to host parties or other gatherings or events during any rental period.
- G. Host or Agent must meet all new Guests at the start of rental to show them locations of egress, fire extinguishers and list of emergency service numbers. For the avoidance of doubt, STR guests are not permitted to enter premises for the first time without the Host or Agent present.
- H. Check-ins are not allowed between the hours of 9 pm and 8 am.
- I. If Owner advertises their rental, the Village permit number must be included in any and all listing services.
- J. The Host and/or Agent must be available at all times to respond in person, on site, within twenty (20) minutes to any issues that may arise regarding the condition, operation, or conduct of Guests of the STR.
- K. The Host of the STR shall maintain a record of the number of Guests and the beginning and ending dates of each Short-Term Rental. Such record shall be submitted to the Village Clerk by September 30 of the calendar year. Failure to submit same may result in a subsequent STR application being considered incomplete and ineligible for the lottery.
- L. A Host shall prominently display, at all times, the contact names and phone numbers of both the Host and the Agent, along with the list, issued by the Village, of emergency services numbers and information relating to garbage, recycling, winter parking, and noise.

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§ 100-10. Violation of Short-Term Rental Code.

- A. It shall be a violation of this Chapter to offer or engage in Short-Term Rentals unless the Short-Term Rental property has received an STR Permit from the Village.
- B. Advertising that offers a property as an STR shall constitute prima facie evidence of the operation of an STR and the burden of proof shall be on the Owner to establish that the subject property is being used as a legal residential STR or is not in operation.

§ 100-11. Penalties for non-compliance.

- A. If an Owner is found to be operating an STR without following the procedures and regulations listed in this Chapter, the following penalties will be assessed:
 - (1) First offense - the fine will be one thousand dollars (\$1,000.00) and the offense must be corrected within ten (10) days.
 - (2) Second offense - the fine will be two thousand dollars (\$2,000.00) and forfeiture of STR Permit for the remainder of the permitted year.
 - (3) Third offense - the fine will be five thousand dollars (\$5,000.00) and the Owner will become ineligible to receive an STR Permit for a period of four (4) years.
- B. Any person found to be operating an STR, as defined in this chapter, without the proper STR Permit, will be assessed the following penalties:
 - (1) First offense - the fine will be two thousand dollars (\$2,000.00), and requirement to remove STR tenants within three (3) days of the discovery of the offense. The Owner will also lose the ability to apply for an STR Permit for the next year.
 - (2) Second offense - the fine will be five thousand dollars (\$5,000.00), and requirement to remove STR Tenants within three (3) days of the discovery of the offense. Additionally, Owner will forfeit all rights to use property as an STR for four (4) years.
- C. The penalties for violation of this chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.
- D. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent unlawful Short-Term Rental of property in violation of this Chapter, including, without limitation, civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of buildings, land or premises. Further, in the event that the Village successfully pursues civil proceedings to abate a violation of this Chapter, the person or persons against whom the Village recovers a judgment shall be liable for the reasonable attorney's fees incurred by the Village in the litigation.

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§ 100-12. Public Lottery System to be held in Calendar Year 2021

Notwithstanding the schedule as noted in § 100-5, § 100-6 and § 100-7, for calendar year 2021 the schedule is as follows for Hosted and Unhosted STRs:

- A. The Village will advertise in the paper of record for STR permit applications no later than September 1, 2021.
- B. Applications will be accepted from September 15 to October 15, 2021.
- C. During the period from October 15 to November 15, 2021 all submitted STR applications will be verified.
- D. If any of the application information cannot be verified, the person who submitted the application will be notified that their application is not yet considered properly completed. That person will be able to correct their application and/or correct the condition(s) prior to November 15, 2021. If the application and/or condition(s) are not corrected by November 15, 2021, the application will not be eligible for the Public Lottery held in 2021.
- E. The applications for the random Public Lottery draw will begin November 16, 2021.

For all subsequent years, the dates noted in § 100-5, § 100-6 and § 100-7 above apply.

§ 100-13. Enforcement.

Other than the annual inspection of the STR unit by the Code Enforcement Officer, it shall be the duty of the Police Department of the Village of Cold Spring to enforce this Chapter.

§ 100-14. Appeals.

Any person aggrieved by the provisions of this Chapter may apply to the Village Board for relief who shall hear the matter and make final decisions.

§ 100-15. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board of Trustees.