

## Chapter 100

### Short-Term Rental

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### 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.
- B. Regulate and minimize the impacts of 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 surrounding residential uses, 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 uses and will not act to harm and alter the neighborhoods they are located within.
- E. Short-term rentals have the potential of removing full-time residential housing which can minimize the number of full-time residents affecting the number of 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.
- F. Provide economic support for Village residents who would benefit from rental income.
- G. Provide lodging for visitors to the Village and support the local economy.
- H. A limit of five (5) percent of the tax lot IDs in the R-1 and B-1 districts has been determined to be a reasonable limit of short-term rental permits within the Village.
- I. A minimum distance of 300 linear feet in any direction between short-term rental permits, and a regulation preventing adjoining or abutting short-term rental units, has been established as methods to minimize a concentrated area of short-term rental units.

## **§ 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) sq.ft., 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 an STR.

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

**OWNER** – Host (see above).

**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 STR permits.

RESIDENCE -The place where one lives. Only one Short Term Rental Unit will be allowed in a Residence.

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, for a period of no less than two (2) nights and no more than twenty-nine (29) consecutive nights. The term “short-term rental” does not include Bed & Breakfast, Hotel establishments or Tourist Homes. (see Chapter 134 - Zoning). Any space used for an STR must be owner-occupied for no fewer than two hundred and sixty (260) nights.

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.

STREET - A thoroughfare, however distinguished, which is shown on the Official Map.

VILLAGE – The Village of Cold Spring.

### **§100-3 Short-Term Rental Requirements.**

- A. No more than thirty-four (34) registered STRs (i.e.5% of the total R-1 plus B-1 properties which is 655 at the adoption of this local law) shall be allowed at any one time throughout the Village.
- B. STR Permits shall be decided by Public Lottery.
- C. Each property/tax ID within the Village can only be used for one STR Unit at any given time.
- D. All STRs must have a Village of Cold Spring Short-Term Rental Permit to operate in the Village of Cold Spring.
- E. STR Permit will be good for one (1) year.
- F. Short-Term Rentals will be allowed only in the R-1 and B-1 zoning districts.
- G. An Accessory Building cannot be used as an STR.
- H. No STR Permit will be allowed for any property within three hundred (300) linear feet in any direction from a property where a current STR permit has been issued.
- I. Each STR Permit will allow only one (1) STR rental at any given time.
- J. STRs in an R-1 zoning district will be required to have one (1) off-street parking space.
- K. The maximum number of nights a Short-Term Rental Unit may be rented out as an STR is sixty (60) nights per calendar year

- L. Rentals shall be a minimum of two (2) nights.
- M. Only Owner-Occupied structures may be used for STR.
- N. Properties owned by corporations, LLCs, and other such entities cannot be used as an STR.
- O. STR Permits are not transferable.
- P. 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.
- Q. 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 every six (6) months. Failure to submit same may result in a subsequent STR application being considered incomplete and ineligible for the lottery.
- R. 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.
- S. No signage is allowed that defines the property as an STR.
- T. The house number of the STR must be displayed on the STR property and easily read from the Street.

**§ 100-4 Application Procedure.**

- 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 contain the following information and be accompanied by the non-refundable application fee:
  - 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 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 documents that confirm the STR property is the owner's Primary Residence. One required document is a Federal Income Tax form 1040 from the prior year which can be redacted 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 - An insurance certificate showing liability coverage in the amount of two million (2,000,000) dollars for the use of the property as an STR.
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 zoning district only).
11. Record of the number and dates of STR Guests from the current calendar year (if property received an STR permit for the current 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, 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.

#### **§ 100-5 Application Verification.**

During the period from September 1 to September 30, all submitted applications will be verified.

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 September 30. If the application and/or condition are not corrected by September 30, the application will not be eligible for the Public Lottery for the following year.

#### **§ 100-6 Public Lottery System.**

- A. Once application information is verified, the application will be given a lottery number and will be eligible for the Public Lottery for the following year.
- B. From the total number of properly completed and verified applications received, thirty-four (34) lottery numbers will be randomly drawn.
- C. For each application that is drawn, it will be determined by the Village Clerk that the application that is drawn is not within three hundred (300) linear feet of any previously drawn application.
- D. Applicants for each of the selected lottery numbers will be notified. The applicant must schedule and complete an annual satisfactory 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 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, the applicant will not receive a permit for the next calendar year.
- E. If less than thirty-four (34) Short-Term Rental Permits are issued as a result of the Public Lottery System and subsequent inspections, previous applicants who had non-selected lottery numbers will be notified as in 100-6 D above. That process will be followed, up to a total of thirty-four (34) Short-Term Rental Permits for the year.

**§ 100-7 Short-Term Rental Regulations.**

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

- A. All STRs must be registered with the Village.
- 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. No exterior lighting of the Residence shall be permitted from 10 pm to 6am, 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.
- D. The Host of an STR unit shall use best efforts to insure 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.
- 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 curb side 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.

#### **§ 100-8 Registration of Short-Term Rentals.**

- 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.

#### **§ 100-9 Fees.**

The Village Board of Trustees shall set such application and permit fees as it may find appropriate for Short-Term Rentals by resolution and such fees shall be listed in the Village's Master Fee Schedule.

#### **§ 100-10 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 two hundred fifty dollars (\$250) and the offense must be corrected within ten (10) days.
  - 2. Second offense - the fine will be five hundred dollars (\$500) and forfeiture of STR permit for the remainder of the permitted year.
  - 3. Third offense - the fine will be one thousand dollars (\$1,000) and 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 five hundred dollars (\$500), and requirement to remove STR tenants within three (3) days of the discovery of the offense. The resident will also lose the ability to apply for an STR permit for the next year.
  - 2. Second offense - the fine will be one thousand dollars (\$1,000), and requirement to remove STR Tenants within three (3) days of the discovery of the offense.

Additionally, person will forfeit all rights to use property as an STR for four (4) years

**§ 100-11 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.

**§ 100-12 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.

**§ 100-13 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.