

Full Regulation: New Town of Cornwall Code Chapter 120 entitled "Short Term Rental Property" to read as follows:

§ 120-1 Purpose.

Licensing and regulation of short term rentals of residential property is necessary to protect and preserve the character of residential neighborhoods, to prevent use of dwelling units that are substandard and thereby present health and safety hazards, and to minimize the impacts of the increased traffic, noise, trash, and similar impacts which are sometimes attendant on short term rentals.

§ 120-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Absentee Landlord

Any landlord whose domicile is outside the boundaries of Orange County and greater than twenty road miles from the landlord's short term rental property.

Adult

A person of or over the age of eighteen (18) years of age.

Agent

A representative of a landlord who resides within the boundaries of Orange County or within twenty (20) miles of the short term rental property. All Agents must be natural persons and not corporations, limited liability companies or other similar entities.

Building Inspector

The Building Inspector of the Town of Cornwall.

Dwelling Unit

A single, complete, independent living facility for one or more persons within a residence, including permanent provisions for living, sleeping, eating, cooking and sanitary facilities.

Housing

Space within a dwelling unit providing overnight accommodations for one or more persons including, at least, bedroom space and bathroom facilities.

Immediate Family

The spouse, child, parent, grandparent or grandchild of a landlord [should this extend to sibling, father- in-law, mother-in-law, niece, nephew or cousin?].

Landlord

Any owner of a residence who offers housing in a residence to persons other than immediate family members in exchange for a fee or compensation, whether monetary or otherwise.

Residence

A building or part thereof containing one or more dwelling units, but not including a hotel, motel, or bed and breakfast establishment.

Short Term Rental Permit

A permit issued by the Town of Cornwall stating that the referenced residence conforms to the standards of the Chapter 120 of the Town of Cornwall Code, the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and that use of the residence for short term rental is permitted.

Short Term Rental Property

Any residence in which housing is offered to persons other than the immediate family of the landlord in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air BnB and VBRO. Month to month tenancies are not considered Short Term Rental Properties.

Substandard

Any deficiency in a structure or housing unit that does not meet the standards of Chapter 120 of the Town of Cornwall Code, the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code [I question whether the State Energy Conservation Construction Code should be included; but can ask Gary for an opinion]. Substandard conditions shall also include failure to maintain a single-station smoke-detecting alarm device and carbon-monoxide-detector device, or devices, in accordance with New York State standards.

§ 120-3 Prohibition On Short Term Rentals.

Commencing sixty (60) days of the effective date of this Chapter, it shall be unlawful for any person to offer short term rentals within the Town of Cornwall without having first registered and obtained a permit for the residence under this Chapter and/or for any person to knowingly engage a short term rental of any dwelling unit or housing in a residence which has not been registered and licensed under this Chapter. Further, tenants may not engage in short-term rentals, except through and by the Landlord as provided in this Chapter.

§ 120-4 Short Term Rental Property registration and permit requirement.

All Landlords and Agents must register and obtain a Short Term Rental Permit from the Town of Cornwall within sixty (60) days of the effective date of this Chapter and/or before any Housing or Dwelling Unit is utilized as a Short Term Rental Property. All Absentee Landlords must have an Agent for all Short Term Rental Properties.

§ 120-5 Registration of Property for Short Term Rentals.

Registration of Short Term Rental Property shall accomplished by the Landlord or Agent submitting to the Town Building Department a registration form, as approved by the Building Inspector, stating that the Landlord is seeking a Short Term Rental Permit and providing, at a minimum, the following information:

- (1) Name, telephone number, e-mail address, mailing address and physical address of the Landlord and Agent (if any);
- (2) The address, section, block and lot of the short term rental property;
- (3) The number of dwelling units in the residence;
- (4) The number of bedrooms in the residence;
- (5) The proposed maximum overnight and daytime occupancy limits of the Residence;
- (6) The types and placement of any fire-protection systems located each building;
- (7) The number and location of all exits;
- (8) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system;

- (9) A certificate of liability insurance for the property with policy limits in an amount of no less than \$1,000,000. [should this amount be less?].
- (10) Acknowledgment of receipt and review of the Code of the Town of Cornwall Chapter 120.

§ 120-6 Grant of Permits for Short Term Rental Property.

- (A.) Upon completion of registration of property for short term rentals, the Landlord shall contact the Building Inspector to schedule an inspection of the short term rental property for the purpose of issuance of a short term rental permit.
- (B.) Upon payment of such inspection and permit fees as the Town Board shall prescribe in the Town's schedule of fee, the Building Inspector shall conduct an inspection of the Short Term Rental Property to determine whether it is substandard and to verify that the Residence and the maximum overnight and daytime occupancy limits proposed by the Landlord are acceptable under the New York State Uniform Fire Prevention and Building Code.
- (C.) Upon completion of an inspection of the Short Term Rental Property and ascertaining that the Residence is not substandard, the Building Inspector shall issue a Short Term Rental Permit to the Landlord.
- (D.) Permits shall be on a form approved by the Building Inspector and shall, at a minimum:
 - (1) State the address, section, block and lot of the Short Term Rental Property;
 - (2) List the name of the Landlord and Agent (if any);
 - (3) State the number of bedrooms and in the Residence and identify any other approved sleeping quarters;
 - (4) List the maximum permitted overnight and daytime occupancy limits; and
 - (5) State the date of issuance and the date of expiration.

§ 120-7 Duration and Terms of Short Term Rental Permits.

- (A.) All Short Term Rental Permits shall expire one year after the date of issuance, unless sooner revoked. [Annual renewals may be burdensome to the Building Department; perhaps biennial or even triennial permits would be better?]

(B.) The following shall be mandatory terms of every Short Term Rental Permit:

- (1) No more than three (3) adult persons can occupy any one bedroom.
- (2) No illegal conduct shall be carried on a the Short Term Rental Property by the Landlord, Agent, or Short Term Rental tenants, their guests or invitees.
- (3) The short term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the Short Term Rental Property is located and/or to or from any driveways of other property on the said street.
- (4) Trash, refuse and recycling, and the bins or containers therefore, shall not be left 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 placed or permitted at or near the curb or the edge of the street for collection prior to 3:00 p.m. the day before collection or after 12:00 midnight the day of collection. [the 3 pm limitation on placing trash on the curb might be moved to earlier, since tenants may be required to leave early in the morning of their last day, such as 10 am "check out"]
- (5) No exterior lighting of the Residence shall be permitted from midnight to six o'clock a.m., except for such lighting of driveways or walkways as may be necessary for safe ingress and egress of persons entering or exiting the Short Term Rental Property,
- (6) The short term rental tenants and their guests or invitees shall not engage in any conduct which violates the Town's noise ordinance or which would otherwise constitute disorderly conduct or creation of a public nuisance.
- (7) In the event that short term rental tenants plan on using the Residence as the site of a party or event involving more than ten (10) guests or invitees, the Landlord shall require that the tenants disclose such intent as a condition of the rental and shall require the tenants to undertake measures and limitations to prevent unreasonable disturbance of neighboring property owners, such as limiting the hours of live or amplified music and assuring adequate parking for any catering or delivery vehicles.

(C.) In the event that there is any change in the information provided by the Landlord in his registration application, he shall advise the Town Building Department in writing of such change on later than forty-eight (48) hours after

such occurrence. Failure to advise the Town Building Department of a change in the information provided by the Landlord in his registration application may be grounds for suspension or revocation of the Short Term Rental Permit.

(D.) In the case of an Absentee Landlord, in the event that the Agent moves outside Orange County to a distance greater than twenty (20) road miles from the short term rental property or is discharged as the Landlord's Agent or is no longer able to serve as Agent by reason of death or disability, the Landlord must designate a new Agent in writing to the Town Building Department prior to or within twenty-four (24) hours of such occurrence. Failure to do so shall result in automatic suspension of the Short Term Rental Permit until the earlier of identification of a new Agent or expiration of the term of the permit.

(E.) A Short Term Rental Permit may not be transferred or assigned to any person or used by any other person other than the Landlord and Agent to whom it was issued.

§ 120-8 Denial of Short Term Rental Permits, Reapplication and Renewal.

(A.) In the event that the Building Inspector determines that the Residence is substandard, he shall issue a written denial of the Short Term Rental Permit to the Landlord listing all of the substandard conditions identified in the inspection.

(B.) A Landlord may re-apply for a Short Term Rental Permit after correcting such substandard conditions and arranging for a new inspection by the Building Inspector. Provided, however, such new inspection shall not be limited to the substandard conditions identified in the prior denial, but shall be an entire new inspection. The Landlord must pay an additional inspection fee, as specified in the Town's Schedule of Fees, for each inspection.

(C.) An application to renew a Short Term Rental Permit shall be submitted so that is postmarked or received by the Building Department no less than thirty (30) days prior to the expiration date of the existing license, and it must be accompanied by the renewal fee set by the Town Board in the Town's Schedule of Fees.

(D.) Upon receipt of an application for renewal and the prescribed fee, the Building Inspector shall conduct an inspection of the Short Term Rental Property using the same criteria as upon an inspection for grant of a permit. Renewal shall be granted if the Short Term Rental Property is not substandard.

(E.) Upon grant of renewal, the Building Inspector shall issue a new Short Term Rental Permit containing the same information as provided in § 120-6 and for the same duration and subject to the same terms and conditions as identified in § 120-7.

§ 120-9 Suspension or revocation of Short Term Rental Permits.

(A.) It is the responsibility of the Landlord and his Agent to comply with all terms and provisions of this Chapter and to ensure that his Short Term Rental tenants, their guests and invitees comply with this Chapter and the terms and conditions of his Short Term Rental Permit. Any failure of Short Term Rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of a Short Term Rental Permit shall be attributed to the failure of the Landlord and his Agent to discharge his responsibility to ensure such compliance.

(B.) Upon receipt of a complaint or upon his initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Chapter.

(C.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or the terms and conditions of the Short Term Rental Permit has occurred on property for which a Short Term Rental Permit has been issued, he shall issue a written notice of the violation to the Landlord and, if applicable, to the Agent, and shall provide a copy of the same to the Town Board.

(D.) Upon receipt of such notice, the Town Board shall set a date at which the Landlord and/or Agent shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the Landlord and, if applicable, his Agent, by certified mail return receipt requested at the address(es) provided in the registration for the Short Term Rental Property.

(E.) If, after affording such an opportunity to be heard, the Town Board confirms the existence of the violation of this Chapter, the Town Board shall suspend or revoke the Short Term Rental Permit. For any number of violations less than two within a period of six (6) months, the permit shall be suspended for a period of six (6) months from the date of the suspension. For two or more violations within a one year period, the Short Term Rental Permit shall be revoked and no Short Term Rental Permit will be available for the Short Term Rental Property for a period of two (2) years from the date of revocation unless Landlord and Agent cease to have any right, title or interest in the Short Term Rental Property. Provided, however, if the Town Board finds that a violation involved a violation of any provision of the Penal Code of the State of New York, then it may revoke a Short Term Rental for a period of two (2) years.

(F.) If it is determined by the Building Inspector that a Landlord or Agent has falsified or otherwise failed to provide accurate information on his registration application, he shall refer the matter to the Town Board as a violation of this Chapter for further proceedings under this Section.

§ 120-10 No presumption of compliance.

The issuance of a Short Term Rental Permit shall not constitute a finding by the Town

that the Short Term Rental Property complies with the New York State Uniform Fire Prevention and Building Code and/or the State Energy Conservation Construction Code.

§ 120-11 Presumption of use and occupancy.

For purposes of enforcement of this Chapter, there shall be a rebuttable presumption that a Residence is occupied by at least one occupant for every motor vehicle parked at the property between the hours of 1:00 a.m. and 6:00 a.m..

§ 120-12 Appeals.

The denial of an application for a Short Term Rental Permit shall be appealable to the Town Zoning Board of Appeals in the manner as denial of a building permit.

§ 120-13 Fees for permits.

The Town Board shall set such application, review, inspection and renewal fees as it may find appropriate for Short Term Rental Permits by resolution and such fees shall be listed in the Town's Schedule of Fees

§ 120-14 Penalties for offenses.

(A.) Any person who violates any provision of this Chapter, whether Landlord, Agent or tenant, shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.

(B.) Conviction of violation of the provisions of this Chapter shall be punished by a fine of not more than \$250 per violation or by imprisonment for not more than 15 days, or both.

(C.) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Town 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 Town or any person from instituting appropriate legal action or proceeding to prevent unlawful occupancy 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.