

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

§ 120-1 Purpose.

Licensing of short term rentals of residential property is necessary to protect and preserve the character of residential neighborhoods, and to regulate minimize the impacts of the increased traffic, noise, trash, and similar impacts which are sometimes attendant on short term rentals.

§ 120-2 Definitions.

The term "immediate family" as used in this Chapter shall mean he spouse, child, parent, grandparent or grandchild of a landlord [should this extend to sibling, father- in-law, mother-in-law, niece, nephew or cousin?].

The term "Short Term Rental" as used in this Chapter shall mean offering any residential dwelling, or space therein, to persons other than the immediate family of the property owner 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.

The term "owner-occupied property" as used in this Chapter shall mean property which the record owner maintains as his or her domicile.

§ 120-3 Short Term Rentals.

- (A.) Only owner-occupied property may be used for short term rentals.
- (B.) For single-family dwellings in which no more than one (1) room is offered for short term rentals, no license under this Chapter shall be required if short term rentals of such room do not in the aggregate exceed fourteen (14) days in a calendar year.
- (C.) Short term rentals of in which more than one room in a single family home is made available for rent, or in which a single room is rented in the aggregate for more than fourteen (14) days in a calendar year, shall be permitted only upon grant of a license from the Town under this Chapter.
- (D.) Short term rentals in which a single family dwelling is made available for parties or events shall require grant of site plan approval from the Planning Board.
- (E.) Short term rentals of units or space within two or three family dwellings or any multiple dwelling are not permitted.

§ 120-4 Grant of Licenses for Short Term Rental Property.

- (A.) Applications for a Short Term Rental license may be made at any time during the calendar year for which the license is sought and within ninety (90) days prior to the calendar year for which it is sought.
- (B.) Applications for a Short Term Rental license shall be made on of an application on a form to be promulgated by the Town Building Department which shall, at a minimum, include:
 - (1) The name, telephone number, e-mail address, and mailing address of the applicant;
 - (2) The address, section, block and lot of the property for which the Short Term Rental license is sought;
 - (3) The number of bedrooms in the property;
 - (4) The proposed maximum overnight and daytime occupancy limits for the property;
 - (5) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system;
- (B.) Only one property may be approved per application.
- (C.) Upon receipt of a complete application, verification of the information provided in the application and payment of such application fee as the Town Board shall prescribe in the Town's schedule of fee, the Town Building Department shall grant a short term rental license.
- (D.) Permits shall be on a form approved by the Building Inspector.

§ 120-5 Duration and Terms of Short Term Rental Licenses.

- (A.) A Short Term Rental license shall be issued only for the calendar year in which it is issued. All licenses shall have an expiration date of December 31st of the year for which they are issued.
- (B.) The following shall be mandatory terms of every Short Term Rental license:
 - (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 left on or near the curb or the edge of the street for collection for more than twenty-four (24) hours.
 - (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 a property owner in his 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 property owner in his application shall constitute a violation of this Chapter.
- (D.) A Short Term Rental license may not be transferred or assigned to any person or used by anyone other person to whom it was issued.

§ 120-6 Revocation of Short Term Rental Licenses.

(A.) It is the responsibility of the property owner 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 license. 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 License shall be attributed to the failure of the property owner 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 license has occurred on property for which a Short Term Rental license has been issued, he shall issue a written notice of the violation to the property owner 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 property owner shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the property owner by certified mail return receipt requested at the address(es) provided in the application for the Short Term Rental license.

(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 revoke the Short Term Rental license and bar the property owner from short term rentals of the subject property for a period of one year. Provided, however, that if the Town Board finds that a property owner has had previous violations of this Chapter at any property or if the violation involved a violation of any provision of the Penal Code of the State of New York, then it shall revoke the Short Term Rental license and may bar the property owner from short term rentals of the subject property for a period of five (5) years.

(F.) If it is determined by the Building Inspector that a property owner 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.

§ 120-7 Fees for licenses.

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

§ 120-8 Penalties for offenses.

(A.) In addition revocation of a Short Term Rental license, any person, whether property owner or tenant, who violates any provision of this Chapter 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 fifteen (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.

(E.) Any person who violates of the terms of this Chapter shall subject to a civil penalty of not less than \$250 per day that the violation continues. Further, in the event that the Town successfully pursues civil proceedings to abate a violation of this Chapter, the person or persons against whom the Town recovers a judgment shall be liable for the reasonable attorney's fees incurred by the Town in the litigation.