

**LOCAL LAW NO.: \_\_\_\_\_ OF 2023**

**A LOCAL LAW TO AMEND CHAPTER 160 “ZONING” OF THE INLET TOWN CODE FOR THE REGULATION OF SHORT TERM RENTALS AND TO REPEAL AND RESCIND ORDINANCE 1 OF 2002 OF THE TOWN OF INLET**

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF INLET AS FOLLOWS:***

**Section 1. Intent; Authority** – The intent of this Local Law is to regulate the short-term rental of property throughout the Town of Inlet. This Local Law is adopted pursuant to New York State Municipal Home Rule Law and Town Law.

**Section 2.** Ordinance No. 1 of 2002 of the Town of Inlet regarding Rental of Non-Owner Occupied Rental Dwellings in the R1 Zoning District is hereby repealed and rescinded. Current permits issued pursuant to Ordinance No. 1 of 2002 (known as R-1 Permits) shall remain in effect until 120 days after the effective date of this Local Law. This 120-day grace period will allow R-1 permit holders time to seek a permit pursuant Article XIII of the Zoning Code enacted herein.

**Section 3.** Section 160-25 of Article IV of Chapter 160 of the Town of Inlet Code is hereby repealed and deleted.

**Section 4. Amendment of Town Code Chapter 160 “Zoning” to Add a New Article XIII.** Chapter 160 of the Inlet Town Code is hereby amended to add the following new Article XIII entitled “Short-Term Rentals”:

**ARTICLE XIII – SHORT-TERM RENTALS**

**§ 160-106 Title.**

This Article shall be known as “Short-Term Rental Regulations”

**§ 160-107 Legislative Intent and Purpose.**

A. The intent and purpose of this Article is to preserve the aesthetic integrity of our neighborhoods, prevent neighborhood blight, encourage property maintenance, protect property values, permit the more efficient use of the Town’s existing stock of dwellings to provide economic support of resident families, and enhance the quality of life in our neighborhoods.

B. This Article is intended to apply to all Short-Term Rental (as defined herein) properties in the Town of Inlet that are not currently permitted by the New York State Department of Health as a temporary residence. The Town Board of The Town of Inlet has determined that the potential exists in the Town of Inlet for serious conditions arising Short-Term Rentals which are substandard or in violation of the New York State Uniform Fire Building Code, Building Rehabilitation Code, Electrical Code, Fire Prevention Code, and other codes and ordinances of the Town. Short-Term Rentals may be inadequate in size, overcrowded and dangerous, and such rental dwellings pose hazards to life, limb and property of residents of the Town, create blight and excessive vehicle traffic and parking problems, and overburden municipal services. The Board finds that current code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of this Article, which is remedial in nature and effect.

C. The purpose of this Article is to establish a permit process to allow the legal short-term rental of properties in the Town of Inlet, provided that the Codes & Zoning Enforcement Officer ("CZEO") determines that an application for a Permit meets the requirements of this Article and by placing any restrictions and/or conditions on such Permit as may be applicable and appropriate.

#### **§ 160-108 Definitions.**

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

RENT -- a return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value), for use and occupancy or the right to use and occupancy of a structure or building, whether or not a legal relationship of landlord and tenant exists between the owner(s) and the occupant(s) thereof.

SHORT-TERM RENTAL -- any structure or building, or portion thereof, including, but not limited to, dwellings, housekeeping cottage(s), or camp(s), which is used by one or more persons as living quarters for less than six continuous months under an arrangement whereby the occupant or occupants pay rent for such use or occupancy.

#### **§ 160-109 Exemptions, Exclusions, Prohibitions & Pre-Existing Use.**

The requirements of this Article shall apply to all Short-Term Rentals located in the Town of Inlet unless expressly exempted or excluded herein.

A. Any building or structure, or portion thereof, which is used as a renter's primary residence is exempt from the permitting requirements under this Article even if the rental term is less than six months, subject to the below conditions:

(1) Sublet of a rented primary residence as a Short-Term Rental is subject to the permitting requirements under this Article and shall require express written consent of the property owner allowing a sublet for short-term rental purposes; and

(2) The property owner's written consent shall include the owner's full contact information and the written consent must be included in the short-term rental permit application submitted by the primary resident renter/sublessor; and

(3) Should a primary resident renter/sublessor who obtains a Short-Term Rental Permit pursuant to this Article vacate or cease occupying/using the permitted property as a primary residence, the Short-Term Rental Permit shall be revoked and it is not transferrable to the owner of the property or any other party.

B. Any property owner who has obtained a Temporary Residence Permit from the New York State Department of Health for the rental of a building(s) is exempt from the permitting requirements of this Article, solely with respect to those building(s) or structures to which the Health Department's Temporary Residence Permit applies.

C. Any property transferred or conveyed after the effective date of this Article shall be ineligible for a Short-Term Rental Permit and prohibited from use as a Short-Term Rental for a period of two years from the date of the deed of conveyance. After two years from the date of the conveyance, the owner of such a property may apply for a Short-Term Rental Permit.

D. Vacant parcels of land shall be prohibited from obtaining Short-Term Rental Permits and are prohibited from being rented for Short-Term Rentals.

E. Short-term rentals shall not be used for any commercial use or commercial event space. The prohibited commercial activity includes but is not limited to concerts, festivals, fairs or any functions for which tickets are sold.

F. Property owners who can document current use of a property for short-term rental purposes as of the effective date of this Article shall have 90 days from the effective date of this Article to apply for a Short-Term Rental Permit. Such owners shall be allowed to continue operation as a Short-Term Rental until such time as a Short Term Rental Permit is issued or denied. A current valid permit issued under Town of Inlet Ordinance 1 of 2002 shall be deemed satisfactory documentation of current Short-Term Rental use for purposes of this subsection (F).

## **§ 160-110 Application and Three-Year Revocable Permit Required**

A. It shall be unlawful and a violation of this Article for any person or entity to use, establish, maintain, operate, lease, rent or suffer or permit the occupancy or use of any residential property or portion thereof in the Town of Inlet as a Short-Term Rental without first having applied for and obtained a Short-Term Rental Permit (hereinafter "Permit") pursuant to this Article

B. The owner(s) of any real property located in the Town of Inlet desiring to rent a building or structure thereon, or portion of a building or structure, for a Short-Term Rental shall submit an application to the Codes & Zoning Enforcement Officer for a revocable, three-year Permit that allows the legal Short-Term Rental of a building or structure on said property. The application shall be made on a form provided by the CZEO and must include the following:

- (1) A non-refundable application fee the amount of which shall be set from time-to-time by Town Board Resolution;
- (2) The full name, legal address and telephone numbers of the property owner(s) together with a copy of the Deed demonstrating ownership;
- (3) A plot plan showing, at the time of the application, the dimensions of the lot, all buildings, driveways and parking areas situate on the lot, and property line setbacks;
- (4) The number of actual bedrooms, not including living areas that may be used for sleeping, with the dimensions of each bedroom;
- (5) A diagram of the septic system showing, at minimum, septic tank location and capacity, leach field location and date of system installation or most recent system test, and the date and receipt from last time septic tank was pumped. In the case of a property for which the Town has no onsite septic information a system inspection will be required. The inspection must be done by a Town-approved New York On-site Wastewater Treatment Training Network (OTN) qualified inspector;
- (6) Water sample test results taken within 30 days of the application;
- (7) A signed statement from the property owner(s) attesting that the rental dwelling is equipped with functioning smoke & carbon monoxide-detector devices, and that the electrical, plumbing, and septic systems are in good-working order; and
- (8) If the property owner(s) is not a full-time resident of the Town of

Inlet, the name, address and telephone number(s) of the property owner's local agent who shall reside within the Town of Inlet, or an adjoining town, and may be contacted by the Town as set forth in § 160-111 (C).

C. The CZEO or her/his designated agent shall have the right to inspect any or all parts of any rental dwelling for purposes of inspection pertinent to any rental application and/or permit granted thereto, except that the owner, agent or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Codes & Zoning Enforcement Officer in order to enable such inspection. Absent an emergency situation, the official charged with conducting the rental dwelling inspection pursuant to this Ordinance shall be required to obtain a search warrant whenever an owner, agent or person in charge refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of the of the official without a search warrant. A nonconsensual, warrantless search can be made in emergency situations.

D. Short-Term Rental Permits shall be issued for three-year terms and are nontransferable.

#### **§ 160-111 Minimum Requirements.**

A. The property owner(s) shall provide a minimum of one off-street parking space per each bedroom and the number of vehicles permitted at a Short-Term Rental overnight (11:00 pm to 7:00 am) shall be limited to the number of permitted off-street parking spaces.

B. The property owner(s) shall not be permitted to place a rental sign of any kind on the Short-Term Rental property.

C. The property owner(s), if not a full-time resident of the Town of Inlet, shall designate on the permit application a local agent who shall reside in the Town of Inlet, or an adjoining town, and shall be authorized, by the owner(s), to act as necessary to preserve the health and safety of the renters and to preserve the character of the neighborhood. If the owner(s), or their agent, is not available in the event of emergency, any necessary actions may be taken by the Town of Inlet and back charged to the owner(s).

D. In the event that a Permit granted pursuant to this Article is subsequently revoked, the property owner(s) shall indemnify and hold harmless the Town of Inlet, its employees, agents and servants, including, but not limited to, the Zoning Board of Appeals, and the Codes & Zoning Enforcement Officer against any claims of lost income.

E. The maximum overnight (defined as 11:00 pm to 7:00 am) occupancy for each short-term rental shall be two (2) people per each bedroom plus two (2). For example, a short-term rental with three (3) bedrooms is allowed eight (8) people for overnight occupancy. The number of bedrooms is determined by the RPS database maintained by the Town of Inlet's Assessors Office. Short-Term Rental renters shall be allowed daytime guests during the hours of 7:00 am and 11:00 pm but the total daytime occupancy shall not exceed double the overnight occupancy. For example, if the overnight occupancy for the Short-Term Rental is 8 people, there shall be no more than 16 people located at the Short-Term rental between the hours of 7:00 am and 11:00 pm.

F. Rental owner shall establish rules and regulations for the property. These shall be provided to the renters and conspicuously posted within the rental unit along with the following information.

- (1) Original or copy of Short-Term Rental Permit.
- (2) Physical address of rental location for emergency purposes.
- (3) Contact information of owner and/or local agent.
- (4) Designated parking area(s).
- (5) Instructions for proper storage and disposal of trash and recycling.
- (6) Maximum occupancy, by Permit, allowed for unit.
- (7) Quiet hours from 11:00 p.m. to 7:00 a.m.
- (8) Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing on neighboring properties.

#### **§ 160-112: Codes & Zoning Enforcement Officer's Action and Determination on an Application**

A. Upon receipt of a completed Short-Term Rental Permit application, the Code Enforcement Officer shall arrange for an inspection of the property with the property owner. Once the inspection is complete and CZEO shall notify the owner in writing of the determination on the application. The determination must be mailed to the owner no less than 20 days after the inspection is completed.

B. The CZEO may approve, deny or approve with conditions any Short-Term Rental Permit applications. Applications may be denied if the applicant fails to meet the minimum requirements set forth herein or fail to timely provide all necessary application materials or allow for an inspection of the property. The CZEO shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Short-Term Rental, including, but not limited to,

requiring water and septic-system testing and/or by placing conditions to regulate traffic and noise. Upon its granting of any Permit, any such conditions must be met in connection with the issuance of the Permit.

C. The CZEO is hereby authorized to, when there is significant reason for doing so, waive any requirement for the approval, or approval with conditions, of rental permit applications. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular Permit. Any such waiver must be specifically requested and justified by the applicant, and may be subject to any reasonable conditions and restrictions imposed by the CZEO, including, but not limited to, requiring annual review of any such waiver.

D. When an Application is approved, the CZEO shall issue a written Permit which shall include the Permit's expiration date, the total overnight and daytime occupancy and the total number of overnight, off-street parking permitted. The owner shall post a copy of the Permit in a conspicuous location in the interior of the Short-Term Rental.

## **§ 160-113 Enforcement and Appeals**

A. The Codes & Zoning Enforcement Officer may revoke any permit where he or she finds that a permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such Permit has been issued, for a period of 14 business days or more after written, return receipt requested notice and opportunity to be heard has been given to a permit holder, or the managing agent of such premises, a violation of the New York State Uniform Fire Prevention and Building Code or a violation of this Article or any Permit issued hereunder, or any other provision of the Town Code. If the violations are corrected to the satisfaction of the Codes & Zoning Enforcement Officer, the permit may be reinstated. In the case of a permit being permanently revoked, the property owner(s) shall remedy all violations before applying for a new permit.

B. An appeal from a Permit denial, Permit conditions or revocation of a Permit may be taken by the property owner(s) to the Zoning Board of Appeals, by written request, made within thirty 30 days from the date of such action appealed from. The Zoning Board of Appeals shall hold a Public Hearing on such appeal after receipt of written request of such appeal, and after such Public Hearing shall make written findings and conclusions and a decision either sustaining such permit denial, conditions or revocation; granting an application which was denied or reinstating a revoked permit within 30 days after close of such public hearing. Unless the Town Board directs otherwise in circumstances constituting serious threats to health and safety, the filing of an appeal shall stay

the effectiveness of a permit revocation until the Zoning Board of Appeals has considered and ruled upon the issue.

C. Violations of this Article or any Permit issued hereunder are enforceable pursuant to Article XII Enforcement of Chapter 160 of the Inlet Town Code and subject to all penalties set forth therein. The enforcement remedies available under this this Article and Article XII are not exclusive and the CZEO/Town Board may seek cumulative remedies for any violation. The owner or operator of any property in violation of this Article is subject to all applicable enforcement remedies.

### **§ 160-113 Disclaimer**

The approval and issuance of a Permit by the Codes & Zoning Enforcement Officer in no way constitutes an endorsement of the quality or fitness or habitability of the property. Property owner(s) and renters shall indemnify and hold harmless the Town of Inlet, its employees, agents and servants, including, but not limited to, the Zoning Board of Appeals and the Codes & Zoning Enforcement Officer as to any claims resulting from the rental(s) of said property.

### **§ 160-114 Broker's Responsibility**

Real Estate Broker's responsibility prior to listing. It shall be unlawful and a violation of this Article and an offense within the meaning of the Penal Law of the State of New York for any broker or agent to list, show or otherwise offer for lease or rent on behalf of the owner(s) any rental dwelling for which a current rental permit has not been issued. It shall be the broker's or agent's duty to verify the existence of a valid permit before acting on behalf of the owner(s).

**Section 5. Severability.** If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.

**Section 6. Effective Date.** This Local Law shall take effect upon filing with the New York Department of State.