

LOCAL LAW NO. ___ OF 2020

**A LOCAL LAW REGULATING SHORT-TERM RENTALS
IN THE TOWN OF QUEENSBURY**

BE IT ENACTED BY THE QUEENSBURY TOWN BOARD AS FOLLOWS:

The Queensbury Town Code is hereby amended by adding the following new Chapter 115 entitled, “Short-Term Rentals.”

ARTICLE 1. PURPOSE AND INTENT; AUTHORITY.

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town. The Board also recognizes that Short-Term Rentals can attract visitors to the Town and can provide an additional source of income to Town residents. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This Local Law is adopted pursuant to New York Municipal Home Rule Law.

ARTICLE 2. DEFINITIONS.

As used in this Chapter, the following words shall have the meanings indicated:

DWELLING UNIT – One or more rooms designed, occupied or intended for occupancy as separate living quarters, with provision for living, cooking, sanitary and sleeping facilities provided for the exclusive use of one family or household.

RENTAL –Granting use or possession of a Dwelling Unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL – A Dwelling Unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than thirty (30) consecutive days to any person or entity, but not including a Hotel, Motel, Inn, Campground, Bed and Breakfast as defined in Town Code Chapter 179.

SHORT-TERM RENTAL OWNER – All entities having an ownership interest in a Dwelling Unit which is used as a Short-Term Rental.

SHORT-TERM RENTAL PROPERTY – The entire area which is under the ownership or control of the Short-Term Rental Owner including, as applicable, the parcel of land on which a Short-Term Rental is located together with the dwelling in which it is located and any other structures on the parcel.

ARTICLE 3. SHORT-TERM RENTAL STANDARDS.

Short-Term Rentals shall comply with the following standards and requirements:

- A. There shall be one functioning smoke detector in each sleeping room, one functioning smoke detector and a carbon monoxide detector in another centrally-located room and one functioning and inspected fire extinguisher in the kitchen. Detectors must be in compliance with NYS Property Maintenance Code.
- B. All exterior doors shall be operational and passageways to such doors shall be freely accessible and unobstructed.
- C. Electrical systems shall be serviceable with no visible defects or unsafe conditions.
- D. All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed. If installed, all fireplace, fireplace inserts or other types of fuel burning heaters (excluding furnaces) shall have proper written safe operating instructions provided to any party renting the Short-Term Rental.

- E. Each sleeping room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue window which meets the current State and Town Building Codes requirements for an escape window.
- F. The number of vehicles permitted overnight at the Short-Term Rental Property is limited to 1.5 vehicles per bedroom (rounded to the next whole number). The number of bedrooms set forth in the Town of Queensbury's assessment records shall be used for purposes of this section. Overnight on-street parking is not allowed. Available parking spaces (one space per car) shall limit parking to such number of spaces. On-street day parking shall not impede local residents or public free entrance and exit to the neighborhood.
- G. Short-Term Rental Owners shall establish written rules and regulations for the Short-Term Rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety and general welfare by promoting a clean, wholesome and attractive environment for the owner's property, adjacent property owners and the neighborhood. This document shall also list the penalties for violation of such rules or regulations. The rules will specifically address the penalties contained in this local law – see Article 5. The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request from law enforcement officers or Town Buildings and Codes personnel. The rules and regulations shall be enforced by the Short-Term Rental Owner. As a minimum, the rules and regulations shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, unreasonable noise, abusive or obscene language or gestures in public. Quiet hours for the purpose of this Law shall mean between the hours of 10:00 PM and 8:00 AM and shall be maintained by all rental occupants and visitors at the rental property.
- H. Provisions shall be made by the Short-Term Rental Owner prior to actual rental for weekly garbage removal during rental periods. Garbage containers shall be

secured with tight fitting covers at all times to prevent leakage, spillage and odors, and be placed where they are not clearly visible from the street or road except as required for pick-up times.

- I. A house number visible from the street or road shall be maintained.
- J. Short-Term Rentals shall comply with all Local, State and Federal Laws and Regulations.
- K. The maximum occupancy for each Short-Term Rental shall be two (2) people per bedroom plus two (2). For example, a Short-Term Rental with three (3) bedrooms is allowed eight (8) occupants. The number of bedrooms is determined by the RPS database maintained by the Town Assessor's Office.

ARTICLE 4. CONTACT PERSON.

The Short-Term Rental Owner must provide all owners of property adjacent to the Short-Term Rental with the name, address and telephone number of a contact person or entity. Such contact person or entity must be able to address any complaint received regarding the Short-Term Rental site within one (1) hour of receiving the complaint. The contact person or entity must document all complaints and responses and submit them to the Town within 24 hours. A copy of the contact person or entity name, address and phone number shall be maintained on the property and made immediately available upon request from law enforcement officers or Town Buildings and Codes personnel.

ARTICLE 5. ENFORCEMENT AND PENALTIES.

Any individual, partnership, corporation or other firm owning, operating, occupying or maintaining Short-Term Rental Property or a Short-Term Rental shall comply with all the provisions of this Chapter and all orders, notices, rules, regulations or determinations issued in connection therewith.

- A. The Director of Building & Codes Enforcement or designee shall be granted access upon reasonable request to the Short-Term Rental Property for the purpose

of inspection and/or enforcement of compliance with Short-Term Rental regulations and/or Town and State Building Codes.

- B. Whenever it is found that there has been a violation of this Chapter or any rule or regulation adopted pursuant to this Chapter, a violation notice and/or appearance ticket or summons and complaint may be issued to the person, individual, partnership or corporation owning, operating or maintaining the Short-Term Rental or Short-Term Rental Property in which such violation has been noted.
- C. The Director of Building & Codes Enforcement or designee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Chapter.
- D. Penalties. Any person who shall violate any provision of this Chapter, any order made hereunder, or any rules or regulations adopted pursuant to this Chapter in addition to other penalties provided for in this Chapter shall be guilty of an offense punishable in the following manner: A fine of not more than \$950 for each offense.
- E. A civil action or proceeding in the name of the Town of Queensbury, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Chapter or any rule or regulation adopted pursuant to hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.
- F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Chapter, or in any other applicable law. Any remedy or penalty specified in this

Chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Chapter. The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint or if the Director of Building and Codes determines that a violation has occurred.

ARTICLE 6. SEVERABILITY.

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 7. EFFECTIVE DATE.

This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.