

LOCAL LAW NO. ___ of 2022

**A LOCAL LAW REGULATING
SHORT-TERM RENTALS OF RESIDENTIAL PROPERTY
IN THE TOWN OF SANTA CLARA**

Be it enacted by the Santa Clara Town Board as follows:

Article 1. Purpose and Intent; Authority

- A. The purpose of this Local Law is to regulate the Short-Term Rental of dwelling units within the Town and to establish comprehensive Short-Term Rental regulation and licensing regulations to safeguard the public health, safety and welfare by governing and controlling the use, occupancy, oversight and maintenance of such short-term rental properties. It is recognized that the Short-Term Rental of residential properties can benefit property owners and the community, but that Short-Term Rentals can also have negative impacts on surrounding properties and the community. It is intended that this law strikes a balance between allowing Short-Term Rentals to the benefit of the property owners while protecting the community from detrimental impacts. The rental of residential property in accordance with this law shall not constitute or create a “Tourist Accommodation” or other commercial use of such property for Town regulatory purposes. This law shall be known as the “Short-Term Rental Law”.

This Local Law shall apply throughout the Town of Santa Clara to any residential property used for Short-

Term Rental purposes, except that this Local Law shall not apply to, nor may it be used to create, Tourist Accommodations as defined in the Town of Santa Clara Land Use Code.

- B. The Town of Santa Clara reserves the right to adopt rules and regulations to carry out the provisions and purposes of this section by Resolution.
- C. Short-Term Rental regulations set forth in this Local Law shall not apply where the owner of the property resides at the property for at least 184 days per calendar year and is home overnight every night during the term of the rentals.
- D. The owner of a residential property rented [at least ___times] for short-term occupancy during the [_____] months prior to the effective date of this Local Law shall be eligible to apply for a permit to allow Short-Term Rental of such property going forward. Owners of such properties must apply for and obtain a Permit pursuant to this Local Law no later than [90] days from the effective date of this Local Law or such property will be ineligible for a Short-Term Rental Permit and the property will be prohibited from use for Short-Term Rental purposes. All properties not rented [at least ___ times] for short-term occupancy during the [_____] months prior to the effective date of this Local Law are ineligible for a Permit pursuant to this Local Law and are prohibited from being used for Short-Term Rental purposes.
- E. This Local Law is adopted pursuant to the New York Municipal Home Rule Law.

Article 2. Definitions

Daytime Guest – a person invited by an Occupant to be present in a Short-Term Rental and/or at a Short-Term Rental Property anytime between the hours of 8:00 AM and 10:00 PM and who is not an Occupant.

Dwelling Unit - A building or portion thereof providing housekeeping facilities for one or more persons.

Enforcement Officer/Code Enforcement Officer - An individual appointed or designated by the Town Board whose duty and authority is to administer and enforce the provisions of this Short-Term Rental Law, the Town's Land Use Code and/or any other Local Laws as may be designated by the Town Board.

Occupant - Any persons (including children) located in the Short-Term Rental and/or on the Short-Term Rental property between the hours of 10:00 p.m. and 8:00 a.m.

Rental - An agreement granting use or possession of a Dwelling Unit, in whole or part, to a person, persons or group in exchange for consideration valued in money, goods, labor, credits or other valuable consideration.

Short-Term Rental- A Dwelling Unit that is rented, in whole or part, to any person, persons, group or entity for any period of less than 45 continuous days and includes any guest house, cottage, cabin or accessory dwelling which is rented as living quarters, but which is not a Tourist Accommodation or a part thereof as defined under the Town's Land Use Code.

Short-Term Rental Owner/Owner – All persons or entities having an ownership interest in a Short-Term Rental Property.

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 or parcels 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, including but not limited to any beach area, dock, pier, wharf, boathouse, swim platform or other associated structures, as applicable.

Article 3. Short-Term Rental Regulations

A. Permit required.

1. The owner of a property shall obtain a Short-Term Rental permit prior to using any Dwelling Unit or portion thereof as a Short-Term Rental. No property may be used as a Short-Term Rental without a Short-Term Rental permit.
2. No Short-Term Rental Property may be rented for Short-Term Rental purposes for greater than a total of ninety (90) days in any calendar year.
3. A Short-Term Rental permit shall be valid for two years from the date of issuance. At the end of the first year during a two-year permit term, the Owner shall file a sworn certification with the Enforcement Officer that the permitted dwelling unit remains in full compliance with the law. Failure to submit the sworn certification may result in revocation of a Short-Term Rental permit.

4. The Short-Term Rental permit is not transferable to a new owner of the Short-Term Rental Property.
5. If the terms of the Short-Term Rental permit are not followed, or these regulations or those subsequently adopted are not followed, the Short-Term Rental permit may be revoked and the owner subject to the penalties set forth below.
6. No permit shall be issued, nor re-issued, unless and until the property complies with the Town of Santa Clara Land Use Code, New York State Building Code and any other State or Local law, code, rule or regulation applicable to the property or its use as a Short-Term Rental.
7. No permit fee: Any owner occupied Short-Term Rental property which is rented for 14 days or less in any calendar year, when the owner is not present overnight for each night of such rentals, shall be exempt from paying the permit fee but shall nonetheless require a permit.
8. If any property for which a Short-Term Rental Permit has been obtained ceases to have a valid Short-Term Rental Permit for more than 18 months, it shall no longer be eligible for a Short-Term Rental Permit and will be prohibited from use for Short-Term Rental purposes.

B. Short-Term Rental Permit Application

Requirements. An application for, or a renewal of, a Short-Term Rental permit shall be submitted to the Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of the permit fee, in an amount to be set by resolution of the

Town Board, shall be accompanied by a copy of the current vesting deed, shall be completed on the form provided and established by the Enforcement Officer, and shall, at a minimum, provide the following information:

1. A list of all the property owners of the Short-Term Rental Property including their names, addresses, telephone numbers and email addresses.
2. A signed and notarized affidavit of the property Owner(s) certifying the following:
 - a. Compliance of the following standards:
 - 1) There shall be one functioning smoke detector in each bedroom and at least one functioning and inspected fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.
 - 2) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - 3) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - 4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and the flues cleaned within 12 months of application for permit.
 - 5) Each bedroom shall be in compliance with New York State Building Code.
 - 6) All other requirements of this Section.
 - b. A statement of the number of bedrooms within the Short-Term Rental that meet the standards set forth herein.

- c. A statement of the number of parking spaces on the property that meet the standards set forth herein.
 - d. Affidavit certifications shall be valid during the term of the Short-Term Rental permit, or until modifications requiring a building permit are made, or until the Enforcement Officer has reason to believe another inspection is warranted. By applying for a Short-Term Rental Permit, the owner(s) consent (s) to the Enforcement Officer entering the subject property on reasonable notice while the Permit application is pending and, if the Permit is granted, while the Permit is in effect, to conduct such an inspection.
 - e. The form of the affidavit certification shall be established by the Enforcement Officer.
3. A site plan, drawn to scale, showing the location of buildings, required parking and the location of the septic system and leach field is required.
 4. A septic inspection report issued by a qualified septic inspector or installer and dated within 90 days of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of septic components. The report must state the septic system was adequately functioning at the time of the inspection. A written certification by a by a qualified septic inspector or installer indicating the system was inspected within a two-year period prior to the application for a permit and is in good working order may, in the discretion of the Enforcement Officer, satisfy this condition. The maximum occupancy of the Short-Term Rental unit

shall be limited by the number of bedrooms allowed for the size of the septic tank and leach field or absorption area.

5. If the owner of the Short-Term Rental lives outside of the Town of Santa Clara and/or will not be the initial point of contact for problems or emergencies at the property or for complaints regarding the property or renters, provide the name, address, cell phone telephone number, landline telephone number (if applicable) and email address of a contact person who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person must be located within sixty (60) minutes distance by car and must be available 24 hours per day, 7 days a week whenever the property is rented.
6. Proof that the property was actively used for short-term rental purposes [at least ____ times] during the [____] months prior to the effective date of this Local Law. Acceptable proof may include agreements with online short-term rental platforms, booking ledgers and rental receipts.

C. Short Term Rental Standards. All Short-Term Rentals shall meet the following standards to obtain a permit and shall remain in compliance throughout the permit term:

1. Occupancy: The maximum number of Occupants for each Short-Term Rental unit shall be the most restrictive of the following sub-sections "a", "b" "c" or "d", as applicable:

- a. Maximum Occupancy shall be calculated as 2 times the number of bedrooms that are in compliance with New York State Building Code plus 2 additional occupants.

Examples:

2 bedroom home = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.

4 bedroom home = 8 occupants for 4 bedrooms+ 2 additional = 10 maximum.

6 bedroom home = 12 occupants for 6 bedrooms+ 2 additional = 14 maximum; OR

- b. Maximum occupancy for a studio apartment, such as above a garage, shall be 2 occupants for the first 220 sq. ft. with 1 additional occupant for each additional 100 sq. ft. of living space.

Example:

550 sq. ft. studio = 2 for the first 220 sq. ft. + 3 for 330 remaining sq. ft. = 5 maximum, OR

- c. Maximum occupancy based on the capacity of the septic system for the property, [as determined by _____]; OR

- d. The above notwithstanding, the maximum occupancy for a Short-Term Rental Property shall not exceed [_____] Occupants.

- 2. Parking: The maximum number of motor vehicles allowed for a Short-Term Rental unit shall be one (1) vehicle per bedroom, plus one (1) vehicle per

each two Daytime Guests allowed at the Short-Term Rental Property. The property must have sufficient off-road parking spaces to accommodate the number of vehicles allowed pursuant to this Section. Short Term Rental tenants and any guests shall park in the off-road parking spaces on the Short-Term Rental Property and shall not park on the public or private road.

3. A reflective house number visible from the road shall be maintained.
4. Provisions shall be made for weekly garbage removal in rental periods. Garbage containers shall be secure with tight fitting covers at all times and placed where they are not clearly visible from the road except around pick up time.
5. Advertisements for the Short-Term Rental must conform to what is allowed under these regulations and the short-term permit.
6. Each bedroom shall be at least 70 square feet in size.
7. There shall be no recreational vehicles (“campers”) located on the Short-Term Rental property nor shall there be any overnight camping in tents or travel trailers, “pop ups”, cars, pickup trucks or other vehicles.
8. No corporate events or commercial functions are allowed.
9. The maximum number of Occupants together with any of their Daytime Guests between 8:00 am and 10:00 pm shall be limited to no more than twice the maximum overnight occupancy as established by sub-section 1, above, of this Section, subject to reduction based on the number of parking spaces required and available at the property.

10. Quiet hours are 10 PM - 8 AM.

D. Procedure upon filing application.

1. The Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reasons for denial.
2. In reviewing the application, the Enforcement Officer shall have the right to inspect the Short-Term Rental property on reasonable notice for purposes of ensuring compliance with this section.
3. In issuing a Short-Term Rental permit, the Enforcement Office may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for Short-Term Rental, so long as such conditions and restrictions are consistent with the purpose of this Local Law, and are imposed with the aim of minimizing any adverse impact the issuance of the Short-Term Rental permit may otherwise have on the neighborhood or community.
4. The Enforcement Officer may decline an application for any of the following reasons:
 - a. If the application is incomplete for failure to provide the information, documentation or permit fee required by this Section or does not meet regulations adopted by the Town of Santa Clara.
 - b. If the Enforcement Officer previously issued a Short-Term Rental permit to any of the owners needing to sign the Short-Term Rental permit application and any of such owners had a Short-

Term Rental permit revoked within the previous year.

- c. If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this section evidences that the subject property is not in compliance with this Local Law.
- d. If the site plan required to be submitted with the application does not satisfy the requirements of this Section.
- e. If the septic system inspection report does not satisfy the requirements of this Section, the Town of Santa Clara Land Use Code, or any other applicable State or local regulations

- 5. Short-Term Rental permits issued pursuant to this Local Law shall state the following:
 - a. Names and addresses of the owners and a contact person who shall be available to respond to complaints during the entire time (24 hours per day) the Short-Term Rental property is being rented.
 - b. The maximum number of overnight Occupants and maximum number of Daytime Guests, and number of parking spaces on the property.
 - c. Identification of the number of and location of parking spaces available.
 - d. A statement that all fires must be attended and that any outdoor fires must be extinguished by 10 PM
 - e. A statement that the Short-Term Rental permit may be revoked for violations.
 - f. Any conditions imposed by the Enforcement Officer.

- g. That the permit shall expire on the day before the second anniversary of the date the permit was issued.

E. Display of Permit and Notification

1. The issuance of a Short-Term Rental permit is subject to continued compliance with the requirements of these regulations.
2. Prior to any renters taking occupancy of the Short-Term Rental Property:
 - a. The current Short-Term Rental permit shall be available online; and
 - b. A hard copy of the Short-Term Rental permit shall be available for public inspection in the Code Enforcement Officer's office.
 - c. A hard copy of the Short-Term Rental permit shall be displayed near the front entrance of the Short-Term Rental unit. The Enforcement Officer may also require that other information must be on prominent display in the Short-Term Rental unit.
3. The owners must ensure that current and accurate information is provided to the Enforcement Office regarding the Short-Term Rental Property and its ownership. The Short-Term Rental Owners shall notify the Enforcement Officer immediately if there are any changes to the property or its ownership that impact the permit or the application information upon which the permit was based.
4. The permit holder(s) shall be provided a packet of information with the issuance of each permit summarizing the restrictions, guidelines and

requirements applicable to Short-Term Rental use. The permit holder (s) shall provide a copy of the information packet to the renter(s) of the Short-Term Rental Property.

F. Compliance

The following process shall be followed in the event of a complaint alleging a violation of these regulations or of a permit issued under these regulations:

1. The complaining party may contact the contact person designated on the permit, a law enforcement agency, the Code Enforcement Officer or any other person or entity which could assist in resolving the complaint, and describe the problem from which the complaint arises and indicate the desired remedy.
2. The contact person shall, within 60 minutes of receiving any complaint, respond to the complaint and remedy as soon as reasonably possible.
3. If the response from the contact person is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Enforcement Officer by submitting a written complaint. The form of the complaint shall be established by the Enforcement Officer and may be filed in person, by mail, by email, or online (if applicable). The complaint shall provide pertinent information including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact but the

- complaint was not resolved. A failure to attempt to reach the contact person will not excuse a violation.
4. If the Enforcement Officer finds a violation of the permit or this Local Law, the Enforcement Officer may:
 - a. Attach reasonable conditions to the existing Short-Term Rental permit;
 - b. Issue a violation or warning;
 - c. Suspend the Short-Term Rental permit; or
 - d. Revoke the Short-Term Rental permit.
 5. Should a permit be revoked, none of the Owners of the affected Short-Term Rental property may obtain any other Short-Term Rental permit sooner than one year after the date of revocation.
 6. The Enforcement Officer or the Town of Santa Clara may also initiate enforcement proceedings for violations of this Local Law in a Court of competent jurisdiction at any time.
 7. Decisions of the Enforcement Officer to condition, suspend or revoke a Short-Term Rental Permit will be provided to the Owners and may be appealed, within 30 days of the receipt of the decision, by the owner accordance with Article 4, below.
 8. Any property owner found in willful violation of the provisions of the local law shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.
 9. The Enforcement Officer or his or her designee shall have the ongoing right to inspect any Short-Term Rental Property at any time of day reasonable under the circumstances in order to administer this Section and ensure the property and its use by Occupants and Daytime Guests, as applicable, complies with the

provisions of this Local Law. To the extent practical in the circumstances, the Enforcement Officer shall provide reasonable notice of any such inspection to the owner of the Property.

Article 4. Appeals Process

- A. Appeals of the Enforcement Officer's denial, conditioning, suspension or revocation of a Short-Term Rental Permit shall be made to the Town of Santa Clara Town Board.
- B. Decisions and determinations made by the Enforcement Officer under this section shall be made in writing and provided to the Owner. Said decision/determination may be appealed to the Town Board within 30 days of receipt of the decision. The decision/determination appealed from shall be stayed while the appeal is pending. The Town Board shall have the powers to reverse, affirm, or modify wholly or partly any order, requirement, decision or determination.
- C. An owner who wishes to appeal the decision or determination made by the Enforcement Officer shall make a written request for a hearing to the Town Board which shall endeavor to hear the appeal within 45 days of the request. At the hearing the Board shall not be bound by the strict rules of evidence, including reliable hearsay evidence offered by the property owner, any complaining party, the Enforcement Officer and any other witness with relevant evidence. The Town Board shall make its decision within 10 days of the hearing.

Article 5. Penalties for Offenses

- A. It shall be unlawful for any person, association, firm, company or corporation to violate any provisions of this Short-Term Rental Law. It shall also be unlawful for any person, association, firm, company or corporation to own, occupy or operate any property in violation of this Short-Term Rental Law.
- B. Whenever it is found that there has been a violation of this Short-Term Rental Law, or any rule or regulation adopted pursuant to this Short-Term Rental Law, a violation notice and/or appearance ticket or summons and complaint may be issued to the person, association, firm, company or corporation in violation thereof.
- C. The Code Enforcement Officer or her/his authorized assistants or Deputies shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or to issue a summons and complaint, subscribed by him, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Short-Term Rental Law or any order made hereunder.
- D. Any person, association, firm, company or corporation which violates any provision of this Local Law or assists in the violation of any provision of this Local Law shall be guilty of a violation punishable:
 - 1. By a fine or civil penalty of not less than \$350 and not exceeding \$1000 for a first offense.
 - 2. By a fine or civil penalty of not less than \$1000 and not exceeding \$3000 for a second offense both of which were committed within a period of five (5) years.

3. Each week's continued violation constitutes a separate violation and is subject to the imposition of a separate penalty.
- F. A civil action or proceeding in the name of the Town of Santa Clara, 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 Short-Term Rental Law or any rule or regulation adopted pursuant 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.
 - G. 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 Section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section.

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. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. In particular, this Local Law is specifically intended to supersede the

amended provisions of the current Town of Santa Clara Land Use Law.

Article 8. Effective Date – This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

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