

**TOWN OF TUXEDO
INTRODUCTORY LOCAL LAW
SHORT-TERM RENTALS**

BE IT ENACTED by the Town Board of the Town of Tuxedo, County of Orange, State of New York, as follows:

Section 1. The Code of the Town of Tuxedo is amended by adding a new Chapter 81, titled "Short-term Rentals," to read as follows:

§ 81-1 Legislative findings; intent and purpose; authority.

- A. This Chapter shall be known and referred to as the "Town of Tuxedo Short-term Rental Law."
- B. This Chapter is intended to protect the health and safety of Town residents and visitors as follows:
 - 1. Allow and regulate transient rental uses of residential dwellings; and
 - 2. Protect and preserve the Town's appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town's comprehensive plan and zoning, subdivision, property maintenance and related local laws; and
 - 3. Protect and ensure the safety of its current and future residents as well as those traveling to or visiting in the Town; and
 - 4. Prevent to the greatest extent practicable public safety risks, including, but not limited to, noise, trash, traffic, and parking impacts associated with unregulated short-term rental of dwellings.
- C. The Town of Tuxedo is authorized to adopt this Chapter pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and pursuant to Section 261 of the Town Law.

§ 81-2 Definitions.

For purpose of this Chapter, and unless otherwise expressly stated or unless the context requires otherwise, the terms in this Chapter shall have the meanings set forth in Chapter 98 of the Town Code, titled "Zoning," or if not so defined there, as indicated below:

SHORT-TERM RENTAL

A dwelling unit, which may or may not be inhabited by the owner of record of their immediate family, that is rented, in whole or in part, for a period of less than 30 consecutive days

to any person or entity, but not including a hotel, motel, inn, campground, or bed-and-breakfast as defined in Chapter 98 of the Town Code.

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 are 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 located, together with the dwelling in which it is located and any other structures on the parcel.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time. The term "Uniform Code" shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State, the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State.

§ 81-3 Permit required; prohibited rentals.

- A. It shall be unlawful for any person to rent or offer to rent a short-term rental within the Town of Tuxedo without first obtaining a short-term rental permit, which shall be renewable annually. Short-term rentals shall be limited to 180 days per calendar year.
- B. It shall be unlawful for any person to rent or offer to rent any portion of a residential lot or use accessory thereto, including but not limited to pools, yards, tents, driveways, lake, lake rights, docks or beaches, without also renting the exclusive right of occupancy for the principal dwelling located on the lot pursuant to this chapter.
- C. The issuance of a short-term rental permit shall not be construed as permission for, or approval of, any use or occupancy that would be in violation of private restrictions (including but not limited to a lease, cooperative bylaws, homeowners association rules, or other private conditions, covenants, or restrictions).

§ 81-4 Eligibility.

- A. Eligible properties and structures.

1. Short-term rental permits shall only be issued for single-family detached dwellings in Zoning Districts C, R1, and R2.
 2. No more than one short-term rental permit shall be approved for any lot. For lots containing more than one structure utilized as dwellings, only one structure may be permitted as a short-term rental.
 3. Short-term rentals shall not be permitted in any vehicle, trailer or camper, and sleeping accommodations shall not be provided in a tent or other temporary structure.
- B. Multiple permit eligibility.
1. A natural person or other legal entity (including but not limited to a corporation, LLC, trust, or partnership) may hold no more than two short-term rental permits.
 2. A short-term rental owner may hold no more than one short-term rental permit in the Town for a probationary period of 36 months. After the probationary period, a short-term rental owner may apply for one additional permit so long as there have been no revocations or denials of renewal of a short-term rental within the preceding 24 months.

§ 81-5 Designated manager required.

- A. The short-term rental owner shall serve as manager of the short-term rental, except that the short-term rental owner may designate:
1. An immediate adult family member of the short-term rental owner to serve as manager. Immediate family includes a person's parents, spouse, siblings, stepparents, stepchildren, children and their children's spouses.
 2. An individual with an active real estate license from the State of New York to serve as manager, with an office located within 25 miles of the property.
 3. A non-transient occupant of the lot containing the short-term rental who resides on the lot as the occupant's principal residence.
- B. Management responsibilities. The manager of the short-term rental shall be required to execute the following responsibilities:
1. Notify the Town Building Department and the immediate adjacent neighbors within 500 feet of any designation of an individual as a manager under this section, including a statement of the designated manager's residential and business addresses, and telephone numbers, and notify same of any change in the manager's addresses or telephone numbers within 10 days of any change. Notification shall be made in writing, either hand delivered or via certified mail.
 2. Be accessible to guests, neighbors, and Town or County agencies at any time that the short-term rental is being leased for transient occupancy. For purposes of this section, "accessible" means being able to answer the telephone at all times, being able to be physically present at the short-term rental property within two hours following a

request by a guest, a neighbor within 500 feet, or a Town or County agency, and having an office or residence within 25 driving miles.

3. Ensure compliance with Orange County Department of Health regulations, the Orange County Occupancy Tax Law, this Chapter, permit conditions, and all other applicable laws and regulations.
4. Enforce the house policies, as provided in Section 81-6.

§ 81-6 Operational requirements.

- A. House policies shall be prominently displayed within the dwelling during occupancy by short-term rental tenants. The house policies shall also be included in any advertisement for the short-term rental. At a minimum, the house policies shall include:
 1. Quiet hours from 9:00 p.m. to 8:00 a.m. Sunday evening through Friday morning and 10:00 p.m. to 9:00 a.m. Friday evening through Sunday morning, during which time the noise from the short-term rental property shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during nonquiet hours shall not be more excessive than would be otherwise associated with a residential area.
 2. Amplified sound that is audible beyond the property boundaries of the short-term rental home is prohibited.
 3. Vehicles shall be parked in the designated on-site parking area and shall not be parked on the street, unless local parking regulations permit.
 4. Parties or group gatherings by persons other than the short-term rental tenants and permitted guests, are not allowed. Total occupancy shall not exceed the limits established in the short-term rental permit.
 5. A diagram indicating normal and emergency egress routes from the short-term rental dwelling, along with a number to call in the event of an emergency.
- B. Term of short-term rental. No short-term rental contract shall be for a term of less than two nights.
- C. Occupancy limitation. The maximum number of overnight occupants shall be no greater than the least of the following standards, which will be noted on any issued permit:
 1. Maximum Occupancy permitted by the Uniform Code; or
 2. The number of persons supported by the septic system capacity as determined by the Town Engineer if the dwelling is not served by public sewer.
- D. Remote digital monitoring of occupancy. Where a short-term rental is rented or intended to be rented for transient occupancy during periods when the manager is not residing on-site, the site shall be digitally monitored by the manager to ensure compliance with the maximum number of allowable guests and visitors entering the premises, and to provide evidence to the Building Inspector of such compliance should he or she need to investigate complaints. Digital monitoring shall include outdoor cameras adequate in number, location and view angle to monitor arrivals and departures at the property. Digital video recordings

shall be taken during times when the property is rented and kept for a minimum of 30 days, and copies shall be provided to the Building Inspector upon request. Notice of locations and purpose of cameras shall be provided to renters as well as disclosure of audio recording, if any. Cameras shall be aimed and shielded so that the area monitored shall not extend beyond the property line.

- E. Exclusive short-term use. There shall only be one short-term rental tenant at any time for any property permitted under this chapter. An owner-occupant or long-term residential tenant and their family residing at the property as their principal residence may continue to occupy the residential lot during the tenancy of a short-term rental tenant, so long as the total occupancy limitation permitted by the Uniform Code is not exceeded.
- F. Lodging taxes. The short-term rental owner shall be responsible for collecting and remitting any required lodging and/or sales taxes on the short-term rental fee, as required by local, county, state or federal law.
- G. Insurance. Short-term rental owners shall maintain liability insurance for injuries or damage caused by rental guests in an amount determined by the Town Board, as amended from time to time and noted in a schedule to be maintained by the Town Clerk.
- H. Fire safety. In addition to any requirements of the Uniform Code, the following standards shall be met:
 - 1. A hard-wired fire alarm shall be installed in all bedrooms, kitchens and living spaces. As an alternative to a hard-wired system, a Wi-Fi-based system will be permitted with cellular backup.
 - 2. A fire extinguisher shall be installed in any kitchen and within 10 feet of any fireplace, fire pit, outdoor fire feature or outdoor grill.
 - 3. The fire inspector shall verify that adequate access is afforded to the property for emergency vehicles.
- I. Offer to rent. Any advertisement or offer to rent shall include the valid permit number and a disclosure of the short-term rental house policies.
- J. Safe access. Hard-surfaced walkways equipped with low-level lighting shall be provided from the driveway where parking is afforded to the entrance to the short-term rental. Sufficient lighting shall be provided in all outdoor recreational areas. All outdoor lighting shall conform to the requirements of the Zoning Regulations, Chapter 98.

§ 81-7 Application.

- A. Applicants shall submit an application for a short-term rental permit to the Building Inspector in accordance with the provisions of this section. Permit applications shall include all of the following information, unless waived by the Building Inspector:
 - 1. The name, address, and telephone number of the applicant. If the applicant is a corporation, LLC, trust, or partnership, then the applicant must provide the names,

addresses, and telephone numbers of all principal individuals, directors, members, partners, and officers.

2. Verification of property ownership or the owner's authorization.
3. The street address of the location and the Tax Map section, block, and lot number of the lot on which the proposed short-term rental is situated.
4. Proof of compliance with all standards of section §81-11 for renewals, and for initial application, understanding of the operational requirements of §81-6 and demonstration of the ability to meet those requirements.
5. A property survey certified to the current owner identifying the following key features. The applicant may substitute a survey certified to a previous owner prepared within the last 10 years, annotated to show any minor changes and subject to a determination by the Building Inspector that the survey provides a depiction of the approximate disposition of the property. The survey must depict:
 - a. Property boundaries.
 - b. Principal and accessory structures (residences, sheds, detached garage, decks, patios, pools, paved areas, fences, water features, utility poles, and overhead wires).
6. A site plan and as-built floor plan drawn to scale and prepared by a licensed New York State professional (architect, engineer or land surveyor). In lieu of a professionally prepared site plan and floor plan, the applicant may elect to provide a hand-drawn markup of the certified property survey, along with an approximate hand-drawn schematic floor plan, so long as the Building Inspector finds upon field inspection that the hand drawings are legible and reasonably portray existing and proposed conditions. The site plan and floor plans must portray:
 - a. The location of proposed off-street parking spots.
 - b. The location of any yard or interior spaces whose access will be restricted to short-term tenants.
 - c. The location and height of fences, berms, and landscape planting buffers.
 - d. Approximate tree line of wooded areas.
 - e. Location of all accessory structures and uses, including pools, decks, sheds, awnings, and cupolas.
 - f. Location of any exterior firepit or fire feature.
 - g. Designation of bedrooms, kitchen, bathrooms, and other interior spaces.
 - h. Location of proposed and existing smoke detectors, fire extinguishers and any other fire safety equipment or facilities.
 - i. Location of points of egress, including egress windows.
 - j. Proposed location of remote digital monitoring cameras and approximate angle of aim.
 - k. Any other information deemed necessary by the Building Inspector.

7. A list of the names and addresses of the owners of record (and lessees of record in the event that such information is available from the Town) within a 500-foot radius of the lot of the proposed short-term rental.
 8. Registered mail receipts of the notice of application.
 9. A certification form signed by the owner(s) of the property attesting to the following:
 - a. The owner has not previously advertised, or has ceased advertising, for the short-term rental that is the subject of the application, and will not begin, or resume, any advertising until a permit is approved.
 - b. The owner either has no financial interest in any other property within the Town of Tuxedo associated with a short-term rental permit; or, if the owner has a financial interest in a property that is subject to a short-term rental home permit, the nature of the financial interest and the property address, along with a copy of the valid permit for that property.
 - c. The owner has paid, or will pay, all fines that have been assessed by the Town, including those assessed because of a notice of violation previously issued to the owner for unpermitted short-term rental use or activity, prior to the processing of the short-term rental home permit application.
 - d. All statements made by the owner on the certification form and provided during the short-term rental home permit application process are correct to the best of the owner's knowledge.
 - e. The owner acknowledges that any false information or misrepresentations made in the application or during the application process shall result in an enforcement action pursuant to §81-12.
 10. Proof of registration with all proper taxing authorities.
 11. Certificate of liability insurance form prepared by a licensed insurance agency.
 12. If a proposed short-term rental is subject to private restrictions, then the application shall include copies of the applicable homeowners association or condominium bylaws or rules or other applicable private conditions, covenants, or restrictions, including lake rights, and approval from the association or other entity responsible for their enforcement is required. The approval shall include specific conditions that determine whether the proposed short-term rental home use is allowed.
 13. Additional information as may be requested by the Building Inspector.
 14. Permit application fees, inspection fees, and permit renewal fees as set forth in the schedule adopted by the Town Board, as amended from time to time and filed in the office of the Town Clerk.
- K. Notice of application. All applicants shall send, by registered mail, written notice of the application for a short-term rental permit to the owners of record (and lessees of record where such information is available from the Town) located within 500 feet of the lot proposed for a short-term rental permit. The written notice shall be prepared on a form provided by the Building Department, and shall include all of the following:

1. A description of the proposed short-term rental operation.
 2. The location of proposed on-site parking.
 3. The total number of bedrooms and the maximum occupancy proposed for short-term rental.
 4. The street address of the proposed short-term rental.
 5. The name, address, telephone number, and email of the proposed short-term rental manager that noticed property owners or lessees may contact if they wish to report any issues or file a complaint regarding any nuisance or violation of this chapter.
 6. A description of how the recipient may file an objection to the permit issuance, in writing, within 30 days of receipt of the notice.
 7. For the purposes of this chapter, notice shall be considered valid if the Building Inspector finds that the applicant has made a good faith effort to comply with the requirements of this section.
- L. Permit amendments. Substantive amendments to a permit, including but not limited to an increase in the number of bedrooms used for short-term rental purposes, shall be processed in the same manner as an initial, new application, but upon approval shall not be deemed to restart the probationary term as described in §81-4B.

§ 81-8 Procedure for first permit issuance.

- A. Upon receipt of a new short-term rental home permit, the Building Inspector shall review the application for compliance with the requirements of this chapter and notify the applicant of any application deficiencies within seven calendar days.
- B. Upon confirmation of a complete application, the Building Inspector shall review the application against the Uniform Code and may conduct an inspection of the premises within 21 days unless a registered engineer or architect has demonstrated compliance.
- C. The Building Inspector shall determine compliance with the Uniform Code and advise the applicant of any deficiencies within three days of the inspection. Any resubmission shall be subject to reinspection.
- D. Upon a satisfactory inspection or certification by a registered engineer or architect has demonstrated compliance, the Building Inspector shall forward the application to the Town Planning Board along with any objections to permit issuance received.
- E. Upon receipt of an application for a first permit issuance of a short-term rental for which an objection has been received, the Town Planning Board shall schedule a public hearing on the permit at a regularly scheduled Board meeting, no less than 14 days and no more than 45 days from application receipt. The Town Planning Board shall require that the applicant mail notice of the hearing, in a form prescribed by the Town Clerk, to all residents within 500 feet of the subject property. The Board may waive the public hearing if no objections are received and shall instead schedule the application for consideration at a regularly scheduled meeting no more than 45 days from application receipt.

- F. In determining whether to authorize the permit, the Planning Board shall consider the information in the application, the testimony of the Building Inspector, the testimony of the applicant and the testimony of any neighbors, and shall authorize the permit where it finds the following standards are met:
 - 1. Adequate parking facilities which are provided in a manner that does not impact the residential character of the neighborhood.
 - 2. If new construction or expansion is proposed, the size of the structure proposed for this use is generally consistent with residences located within 500 feet. Any new construction or expansion is subject to all requirements of Town Code and the Uniform Code.
 - 3. The structure and lot are conforming to the requirements of Chapter 98 of the Tuxedo Town Code or have received variances for any nonconformances, and the lot and structure are not considered existing nonconforming uses or nonconforming buildings.
 - 4. Adjoining residences and their yards are generally afforded a reasonable degree of privacy from view by occupants of the proposed short-term rental by the imposition of landscaping and privacy fencing.
 - 5. The number of permitted short-term rentals surrounding the proposed property are not excessive in number so as to result in adverse character impacts to principal residences in the neighborhood.
- G. In issuing a permit for a short-term rental, the Planning Board shall impose such reasonable conditions as are necessary to ensure that the intent of this chapter and the standards of § 81-8F(1) through (5) are met.
- H. Issuance of a short-term rental permit shall be deemed a Type 2 action pursuant to 6 NYCRR 617 (State Environmental Quality Review).

§ 81-9 Terms of permit; transferability.

- A. The first issuance of a short-term rental permit for any property shall remain in effect for one year from the date of issuance.
- B. A renewed permit will remain in effect for one year from the date of issuance. It shall be the responsibility of the short-term rental owner to submit a renewal application a minimum of 60 days prior to the expiration of their existing permit.

§ 81-10 False information; misrepresentation.

Any false information or misrepresentations made in the application or during the application process shall result in an enforcement action pursuant to this chapter and may lead to the denial of an application or revocation of the permit. Where an application is denied or permit revoked based on this provision, the individual making such false information or misrepresentations shall be barred from applying for any new short-term rental permit for a period

of 24 months. Additionally, where this provision results in the revocation of a short-term rental permit, the subject premises associated with the permit shall be barred from receiving a short-term rental permit, regardless of applicant, for a period of 24 months following the revocation for false information or misrepresentation.

§ 81-11 Permit renewal.

- A. The information required for a renewal is the same as for an initial permit issuance, except that the Building Inspector may waive any requirement other than notification of the renewal application to neighbors upon an inspection of the premises and a finding that the original application material is still valid, and circumstances have not changed.
- B. A compliance inspection shall be conducted prior to granting a renewal.
- C. The permit shall be renewed by the Building Inspector with no further action required by the Town Planning Board if the following standards are met:
 - 1. Ongoing compliance with the conditions of this chapter and the original permit are verified; and
 - 2. Objections to permit renewal are not received by more than 25% of the owners and lessees of record within 500 feet of the subject premises.
- D. Where the standards of §81-11C are not met, the application will be referred to the Town Planning Board for a permit decision pursuant to §81-8E, F and G.

§ 81-12 Enforcement procedures.

- A. Upon receipt of a complaint or upon the Building Inspector's observation of noncompliance, the Building Inspector may is authorized to investigate any property to determine compliance with this chapter.
- B. After investigation and upon issuance of a notice violation of the requirements of this chapter, the terms of the short-term rental permit, or the Uniform Code, the Building Inspector shall suspend the short-term rental permit.
- C. Suspension. While a short-term rental permit is suspended, the permit holder is barred from renting or offering to rent the subject premises, except that the Building Inspector may allow the permit holder to continue renting and operating the premises for a term of no more than 30 days, where the following conditions are met:
 - 1. The observed or suspected violation, if proven, would not result in significant risk to the health or safety of persons or property.
 - 2. The short-term rental owner will not offer the premises for rent and will not sign any new rental contracts.
 - 3. If the violations cannot be verified to be remedied within 30 days, the short-term rental owner will cancel any rental that is not scheduled to commence within 21 days.

- D. Time to remedy. The permit holder shall have 60 days from suspension of the permit to remedy any violations issued by the Building Inspector.

§ 81-13 Revocation and nonrenewal.

- A. The Building Inspector may revoke or decline to renew a short-term rental permit where any of the following criteria are met:
 - 1. The short-term rental owner provided false or misleading information during the application process, during a compliance inspection, or in connection with an investigation of violation by the Building Inspector.
 - 2. The short-term rental owner is delinquent in payment of state or county taxes, fines, or penalties assessed in relation to the short-term rental.
 - 3. An unresolved violation existed beyond the time to remedy.
 - 4. The short-term rental owner was found guilty of any felony or misdemeanor occurring on the premises of the short-term rental or involving tenants or guests to the short-term rental.
 - 5. The subject premises were rented for transient occupancy while its short-term rental permit was lapsed, suspended, or revoked, except as otherwise permitted by §81-12.
 - 6. More than three violations of the Uniform Code, Chapter 33A (Noise) of the Town of Tuxedo, Chapter 98 (Zoning) of the Town of Tuxedo or this chapter, or any combination thereof were issued within the previous twelve-month period.
 - 7. The short-term rental owner or manager of the property barred entry of the Building Inspector to the property after proper notification or otherwise unreasonably interfered with an inspection or investigation pursuant to §81-12.
- B. Any short-term rental owner whose permit was revoked, denied, or not renewed shall be required to follow the procedures of §81-8.

§ 81-14 Operation without permit.

- A. Advertising or any communication that offers a property as a short-term rental home shall constitute prima facie evidence of the operation of a short-term rental home on the property and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal short-term rental home or is not in operation as a short-term rental home.
- B. Advertising for a short-term rental home without a valid permit number is prohibited and constitutes a violation of this chapter, provided that:
 - 1. The alleged violator and the property owner shall be notified that all advertising without a valid permit number shall be terminated within seven days of the notice.
 - 2. Enforcement action pursuant to this chapter, including fines, may commence if advertising without a valid permit number continues after such warning.

- C. Operating a short-term rental without a valid permit is prohibited. Evidence of operation may include advertising, guest testimony, online reviews, rental agreements, receipts, testimony by neighbors, or any other information deemed relevant by the Building Inspector. Operating without a permit more than seven days after receipt of a notice of violation shall result in a property being made ineligible for a short-term rental permit for 24 months.
- D. Any person committing an offense against any provision of this article shall, upon conviction, be guilty of a violation punishable by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day of violation shall be considered a separate offense, provided that the violation of this chapter is not corrected within 30 days after notice of said violation is given.

Section 2. Severability.

The provisions of this local law are severable and if any provision, clause, subsection, sentence, word or part thereof is held illegal or invalid, or inapplicable to a person or circumstance, such illegality, invalidity or inapplicability shall not affect or impair any of the remaining provisions, clauses, subsections, sentences, words or parts of this local law of their application to other person or circumstance. It is hereby declared that the legislative intent of the Town Board is that this local law would have been adopted if such illegal or invalid provision, clause, subsection, sentence, word or part had not been included therein and if such person or circumstance to which the local law or part thereof is held inapplicable had been excepted therefrom.

Section 3. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.