

LOCAL LAW NO. 1 OF 2023  
REGULATING SHORT TERM RENTALS IN THE TOWN OF ST. ARMAND

ARTICLE 1. PURPOSE AND INTENT

1. The purpose of this local law is to establish regulations to safeguard the public health, safety and welfare by permitting the use, occupancy, oversight and maintenance of short-term rental properties. The Town of St. Armand also recognizes that the historical nature and the beauty of our area is that of a small, residential community of owner-occupied dwellings. Short-term rentals have the possibility of endangering the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Town of St. Armand, this local law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.
2. This section shall apply to all properties in the Town of St. Armand.
3. The Town of St. Armand reserves the right to adopt regulations to carry out the provisions and purposes of this section.

ARTICLE 2. DEFINITIONS

1. Code or Building Code means the New York State Uniform Fire Prevention and Building Code, adopted by the St. Armand Town Board.
2. Code Enforcement Officer or CEO means the Town of St. Armand appointed Code Enforcement Officer.
3. Dwelling Unit: One or more rooms designated, 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.
4. Life Safety Issue: A Building Code issue that is deemed by the CEO necessary to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards. Life Safety issues may also present a clear and present liability to the property owner.
5. Property Contact, Property Manager or Host: The term given to the primary contact for issues, questions or concerns involving the short-term rental. It may be the owner, co-owner, real estate agent, property manager, etc.
6. Rental means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a designated unit by a record owner of a property shall not be considered a rental under this section.
7. Short-Term Rental, STR, or Unit: A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights, and includes any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, or accessory dwelling. This definition excludes hotels, bed and breakfast establishments, boarding houses and school or non-profit dormitories, also excluded are year-round owner-occupied homes that rent one or more rooms in the owner-occupied home. If the space rented in a year-round owner-occupied home is considered a “mother-in-law apartment” or is separated from the whole house, the rules and regulations described herein will be in full effect for such rental.

8. Short-term Rental Permit: A Permit issued by the St. Armand Code Enforcement Officer permitting Short-term rentals in the permitted site. It may also be called Permit or STR Permit in this document.

9. Welcome Book: A three ring binder or other type of document that the Host leaves in the STR unit to give the renters up to date contact information for the unit, the location of the exits, fire extinguishers, water hoses, etc. The Welcome book may also include information about area restaurants, takeout menus, and attractions.

### ARTICLE 3. PERMIT REQUIRED.

1. A Permit is required. An owner shall obtain and be in possession of a valid revocable short-term rental permit whenever a dwelling is to be used for short-term rental purposes.

2. No property may be used as a short-term rental without applying for and obtaining a short-term rental permit first. All existing short-term rentals must apply for a short-term rental permit within 60 days of adoption of this Local Law.

3. A short-term rental permit shall be valid for three years from the date of issue. Prior to expiration, an owner may apply for a renewal of the Short-Term Rental Permit.

4. All information related to the property must be updated at the time of renewal. All units renewing their permits will be subject to physical inspection by the Code Enforcement Officer.

5. Existing short-term rental permits may be transferable to a new owner (or name change – for example, the establishment of an LLC) of the short-term rental property with no additional fees for the remainder of the permit time. (For example: A permit is issued on January 1, 2023, and is valid until January 1, 2026. The property is sold on January 1, 2025. The existing permit is still valid until January 1, 2026). If the purchaser wishes to continue using the unit as a short-term rental, they must submit an updated permit application within 10 days of ownership, with the new contact information of the owner and property manager. The CEO may issue a new permit in the current owner's name, under the same permit number with the same expiration date of the existing permit. If the purchaser does not want to continue to use the property as a short-term rental, they must submit written notice to the Code Officer stating such within 10 business days of owning the property.

6. 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 property permit may be revoked, and the owner shall be subject to the penalties set forth below.

7. No permit shall be issued or renewed unless and until the property complies with this Local Law, the Town of St. Armand Building Codes adopted New York State Uniform Fire Prevention and Building Code, the New York State Building Code, and all taxes, fees and penalties, if any have been paid.

8. Occupancy Tax Registration. No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office.

### ARTICLE 4. SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS.

1. An application for, or renewal of, a short-term rental permit shall be submitted to the St. Armand Code Enforcement Officer.

2. The application shall be completed on the form provided and established by The Town of St. Armand Board and the Code Enforcement Officer.
3. The application shall be accompanied by payment of a permit fee of \$100.00, or such other amount set by resolution of the Town Board of St. Armand.
4. Each application must be signed by all persons and entities having an ownership interest in the property and shall be accompanied with:
  - a. A copy of the current vesting deed or tax bill showing how title to the subject property is then held.
  - b. A list of all the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses.
  - c. If the unit is owned by a limited liability company, a corporation or other entity, then the application shall also include the names, addresses, telephone numbers and email addresses of the members, shareholders, officers, and principals of such entities.
5. Each application shall be accompanied with a Signed and notarized Affidavit by all property owner(s) certifying the following:
  - a. The unit complies with the following standards:
    1. There is one functioning smoke detector in each sleeping room and at least one functioning smoke detector in the main room of each level, one functioning fire extinguisher on each level and in each room with an open flame source, and at least one carbon monoxide detector on each level.
    2. All exterior doors are operational and all passageways to exterior doors are clear and unobstructed.
    3. The electrical system is serviceable with no visual defects or unsafe conditions.
    4. Each sleeping room is in compliance with the New York State Building Code.
  - b. The name, address, telephone number and email address of a local 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. This contact person may be the owner, or an agent designated by the owner to serve as a contact person. This contact person must be located within 60 minutes' travel distance by car and must be available 24 hours per day, 7 days a week.
  - c. The name, address, telephone number and email address of the owner who shall also serve as a secondary contact person. This contact person must be available 24 hours per day, 7 days a week.
6. By applying for a new, existing, or renewal of a short-term rental permit, the owner(s) consent(s) to the Code Enforcement Officer performing an inspection of the subject property.
7. Each application shall include a statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

#### ARTICLE 5. APPLICATION PROCEDURE.

1. Upon the filing with the Code Enforcement Officer of the application, permit fee, and all documents and information required by this Local Law, the Code Enforcement Officer shall have thirty (30) days to review the application, perform an on-site inspection of the property, 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 reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Code Enforcement Officer.

2. In issuing a short-term rental permit, the Code Enforcement Officer may impose reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the New York State Uniform Fire Prevention and Building Code.

3. The Code Enforcement Officer will decline an application for any of the following reasons:

d. If the application is incomplete, the documentation required by this section or regulations adopted by the Town of St. Armand was not included with the application or the full permit fee, in an acceptable form of payment, was not included with the application.

e. If an inspection conducted by the Code Enforcement Officer as authorized in this local law reveals that the subject property is not in compliance with the requirements of this Local Law or the Town of St. Armand Adopted New York State Uniform Fire Prevention and Building Code.

f. if the unit is covered by a Building Permit to remodel more than 60% of the structure, then the entire structure will need to be in compliance with the current Building Code standards.

#### ARTICLE 6. CONTENTS OF SHORT-TERM RENTAL PERMIT.

1. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available to respond to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented;

2. The physical address of the rental property and the mailing address of the property owners;

3. A statement that all outdoor fires must be attended and have a means of being put out. Example: hose

4. A statement that the short-term rental permit may be revoked/suspended for violations;

5. That the renters must observe quiet time between the house of 10:00pm and 7:00am daily, per St. Armand Nuisance Abatement Local Law.

6. A statement that fireworks are not legal in New York State

7. That the permit shall expire on the day before the third anniversary of the date the permit was issued.

8. That Short-Term Rental Permits may be revoked for violations.

9. Any other reasonable conditions imposed by the Code Enforcement Officer.

10. The Code Enforcement Officer shall mail a hard copy of the Short-term Rental Permit to all adjoining property owners.

#### ARTICLE 7. SHORT TERM RENTAL STANDARDS.

1. Short-term rental units shall comply with all Federal, State, and Local Laws, codes, rules and regulations.

2. The Town Code Enforcement Officer shall be granted access to the Short-Term Rental Property upon reasonable request for the purpose of inspection and/or enforcement of compliance with Short-Term Rental regulations and/or State and Local Codes.

3. The issuance of a Short-term Rental Permit is subject to continued compliance with requirements of these regulations.
4. Prior to any renters taking occupancy of the short-term rental property:
  - a. A hard copy of the current Short-term Rental Permit shall be available for public inspection in the Town Hall, 1702 NYS Route 3, Bloomingdale NY.
  - b. The Permit must be displayed in the unit with name of contact person, phone number and expiration date of permit.
5. The owners must ensure that current and accurate information is provided to the Code Enforcement Officer, and it is the owner's responsibility to notify the St. Armand Code Enforcement Officer of any changes.
6. A house number visible at night from the street or road shall be maintained.
7. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors. The owner of the property is liable for garbage removal.

#### ARTICLE 8. ENFORCEMENT AND PENALTIES.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or 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. If the complaint is a safety concern, please contact the Code Enforcement Officer.
  2. If a complaint is made to the contact person, the contact person shall respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
  3. If the response 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 Code Enforcement Officer by submitting a written complaint. The form for filing a complaint shall be established by the St. Armand Town Board and may be filed in person, by mail, or by e-mail. This form will be available from the Code Enforcement Officer and on the Town's website: [www.townofstarmandny.gov](http://www.townofstarmandny.gov). 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 and the complaint was not adequately resolved. A failure to attempt to contact the contact person or the failure of the contact person to respond to a complaint will not excuse the owner/permit holder from a violation.
  4. The CEO will investigate all written complaints within 15 days of receipt of written complaint and determine if the complaint is valid. The CEO will report to the Town Board at the next Regular Meeting (currently, the third Tuesday of each month) a copy of the written complaint and the findings of the investigation.
  5. If the Code Enforcement Officer finds a violation of the permit or of this Local Law, the Code Enforcement Officer shall issue a written Notice of Violation to the Short-Term Rental Property Owner to the addresses set
- Local Law #1 of 2023 – Regulating Short Term Rentals, adopted by Resolution #57 of 2023, September 19, 2023

forth on the Short-Term Rental Permit within 10 days of the determination. The Notice of Violation shall specify the violation, what actions must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If a property owner fails to remedy the violation within the timeframe specified, the Code Enforcement Officer may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.

6. The Code Enforcement Officer may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Local Law or any Federal, State, and Local Laws, codes, rules or regulation which poses a threat to the health, safety, or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Code Enforcement Officer shall notify the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit within 10 days of the determination.

7. The Code Enforcement Officer may suspend or revoke a Short-Term Rental Permit if the STR has received more than 10 written complaints which were investigated and determined to be violations by the CEO. Each written complaint upon an STR that occurs on the same day and time will be counted as one complaint. For example, if an STR has a large group that have an unsafe bonfire, fireworks and/or disorderly conduct by the renters/occupants, it can be assumed that several neighbors may file a written complaint for that instance. In this case, it will be considered one complaint.

8. Short-Term Rental Property Owners may appeal a determination of the Code Enforcement Officer to suspend, revoke or add a condition to the Short-Term Rental Permit no later than thirty (30) days after receipt of the Notice of the determination by any of the owners. The appeal must be made in writing and delivered to the Town Clerk. Appeals will be presented to the Town Board at the next scheduled Regular Board Meeting.

9. The Code Enforcement Officer may refer any complaint to The Town of St. Armand Town Board for action. The Town Board will, at that Regular Meeting, call for a Special Board Meeting to be held within 14 business days. At the Special Board Meeting, the Town Board will investigate the matter and provide all parties involved, including the complainant and the owner, time to testify about the alleged violation. The Town Board may dismiss the complaint, set conditions for the Short-Term Rental Permit, or impose a fine as set forth below. The decision of the Town Board shall be announced either at that Special Board meeting or at the next Regular Town Board Meeting.

10. The Code Enforcement Officer shall have the authority 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 Local Law.

11. Any person or entity who shall violate any provision of this Local Law, any order made hereunder, shall be guilty of an offense punishable in the following manner:

i. First offense will a fine not exceeding \$350.00.

ii. second offense committed with a period of five years will be not less than \$350.00 nor more than \$700.00.

iii. Third offense committed within a period of five years will a fine of not less than \$700.00 nor more than \$1,000.00.

iv. Each week's continued violation constitutes a separate additional violation in assessing fines.

12. A civil action or proceeding in the name of the Town of St Armand, 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 Local 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.

13. No remedy or penalty specified in this Local Law shall be the exclusive remedy or penalty available to address any violation described in this Local Law, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation or, the other remedies or penalties in other applicable laws. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt or a complaint or if the Code Enforcement Officer determines that a violation has occurred.

14. Any property owner found in violation of the provisions of this local law shall be required to reimburse the Town of St. Armand for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney fees, and any related court costs.

#### ARTICLE SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement 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 the controversy in which such judgement shall be ordered.

#### ARTICLE EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State. There will be a 60-day grace period for existing short-term rentals to comply with the new Local Law.

Public Hearing held on August 16, 2022, the Town of St. Armand duly introduced the Local Law No. 1 of 2023 draft entitled "A Local Law Regulating Short Term Rentals in the Town of St. Armand, and

Public Hearing held on August 15, 2023, the Town of St. Armand duly introduced Local Law No. 1 of 2023 entitled "A Local Law Regulating Short Term Rentals in the Town of St. Armand, and

Town Board of the Town of St. Armand held a Public Hearing to adopt the foregoing proposed local law on September 19, 2023 at 6:00 pm, to hear any and all persons concerning the adoption of said local law; and the Town Clerk of the Town of St. Armand published a notice of such hearing in the designated Town newspaper at least ten days prior to said hearing.