

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Dix

Local Law No. 1 of the year 20<sup>23</sup>

A local law regulating Short Term Rentals  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Dix

as follows:

## Section 1: STATEMENT OF PURPOSE

Short Term Rentals (as herein defined) can have positive impacts such as offering lower costs to travelers, increasing tourism, bringing economic activity into the community, and providing an additional revenue stream for residents. Short Term Rentals can simultaneously have negative impacts such as increasing the cost of housing, decreasing the availability of long-term rentals, decreasing the availability of affordable housing, decreasing property values of neighboring properties, and significantly changing the character of neighborhoods. In recognition of these costs and benefits, the Town Board of the Town of Dix has determined to amend the Zoning Law of the Town of Dix (the "Law") to provide for the appropriate use of properties within the Town as Short Term Rentals.

## Section 2: DEFINITION

Section I-5 of the Law is amended to add the following:

SHORT TERM RENTAL - Rental of (i) a single dwelling, duplex dwelling or multi-unit dwelling, or portion thereof, or (ii) a travel trailer or tent, or pad or other site designed to accommodate placement of a travel trailer or tent, to the same natural person or family for fewer than thirty (30) consecutive days.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SHORT TERM RENTAL UNIT – The entirety or that portion of a single dwelling, duplex dwelling, or portion thereof, or travel trailer, tent, pad or other site, that is separately leased as a Short Term Rental. For example, (i) a single-family home where the first floor and second floor are separately leased as Short Term Rentals shall contain two Short Term Rental Units; and (ii) a property with one tent-camping site and one travel trailer that are separately leased as Short Term Rentals shall contain two Short Term Rental Units.

### Section 3: AMENDMENT TO SCHEDULE OF REGULATIONS

The Use Regulation Table of the Law (Section VI-6) is amended to provide that Short Term Rentals are a use subject to Special Use Permit in the following Districts: Low Density Rural, Medium Density Residential, Mixed Use, Special Entertainment.

### Section 4: SITE PLAN REVIEW AND PERMIT REQUIREMENTS

The Law is amended to add a new Article XVI, as follows:

#### XVI -1: Short Term Rentals

A. Special Use Permit Approval. In addition to the applicable requirements of Article XIV of this Law, the following shall apply to review of special use permit applications for Short Term Rentals:

1. The owner of any building used as a Short Term Rental shall designate one or more persons who shall be available twenty-four hours per day during any period that a Short Term Rental Unit is leased to respond to complaints regarding the condition of the property, violations of this or other applicable laws or regulations, conduct of the occupants and other issues related to the Short Term Rental. Such person(s) shall be available to respond in person at the site of the Short Term Rental within twenty (20) minutes after being contacted by the Code Enforcement Officer and/or his/her designee.
2. Short Term Rentals shall provide off-street parking in accordance with Article X, plus one additional space per Short Term Rental Unit for Short Term Rental Units having three or fewer bedrooms, and two additional spaces per Short Term Rental Unit for Short Term Rental Units having more than three bedrooms.
3. There shall be no change to the outside appearance of the building or premises that alters or detracts from the residential character of the structure or the overall character of the neighborhood.
4. The site plan must be drawn to scale and certified by the applicant and show (a) the location of all buildings and required parking, (b) the location and arrangement of all utilities, and (c) all rooms including bedrooms and all windows, entrances and exits on each floor, including the basement and attic.

B. Short Term Rental Permit Requirement. No Short Term Rental shall be operated within the Town of Dix without a Short Term Rental permit, as herein provided. A separate Short Term Rental permit shall be required for each Short Term Rental Unit.

1. Applications for a Short Term Rental Permit shall be made to the Code Enforcement Officer on an application form prescribed by the Code Enforcement Officer from time to time. All applications shall include the following:

- a. A list of all the property owners and/or operators of the Short Term Rental, including names, addresses, telephone numbers, and email addresses. All persons and entities with an ownership interest in the property shall sign the permit application.
- b. A list of all full-time residents of the property and proof of notification of intent to apply for a Short Term Rental permit.
- c. A copy of the current vesting deed showing how title to the subject property is then held.
- d. The property owner's written authorization for the Code Enforcement Officer to conduct a property inspection.
- e. The property owner's written statement of compliance with all applicable Short Term Rental standards set forth herein and covenant to maintain compliance for as long as the property is used as a Short Term Rental.
- f. The operator's maximum desired occupancy for each Short Term Rental Unit.
- g. The contact information for all persons designated pursuant to subsection XVI-1(A)(1) above.
- h. The form Short Term Rental contract to be used by the Short Term Rental operator.
- i. A copy of the Certificate of Authority to Collect Occupancy Tax issued by the Schuyler County Treasurer.
- j. A copy of the approved site plan, stamped as approved by the Planning Board.
- k. Copies of any governmental approvals and permits necessary to operate a Short Term Rental on the subject property.
- l. Certificates of insurance evidencing both property and liability coverage and that the property is rated as a Short Term Rental by the insurance carrier.
- m. The Short Term Rental permit fee, which shall be established from time to time by resolution of the Town Board.

2. All Short Term Rental permits shall be issued subject to the following terms and conditions:

- a. A Short Term Rental permit shall be valid for one year from the date of issuance. Short Term Rental permits may be renewed by renewal application submitted to the Code Enforcement Officer not less than thirty (30) days prior to the date of expiration of the permit. Renewal applications submitted after this deadline may be rejected, and in such event the applicant shall be required to apply for a new Short Term Rental permit. The renewal application shall be made on such form, and shall include such information, as the Code Enforcement Officer shall determine, and shall be accompanied by a permit renewal application fee which shall be established from time to time by resolution of the Town Board.
- b. A Short Term Rental permit is not transferable. A new owner of a property used for Short Term Rental must obtain a new Short Term Rental Permit prior to operating a Short Term Rental. A Short Term Rental permit shall automatically be void and of no further effect upon the transfer of title to the property to which the permit applies or the transfer of a controlling interest in any entity that owns the property to which the permit applies.
- c. A property to which a Short Term Rental Permit applies must, as a condition of the continued validity of the permit, maintain material compliance with this and all other applicable laws and regulations.

d. A Short Term Rental permit may be revoked (without limiting other penalties that may be imposed) for a violation of this or other applicable laws or regulations upon ten days' notice and following a hearing before the Town Board, as herein provided.

e. Acceptance of a Short Term Rental permit shall be deemed to constitute the subject property owner's irrevocable license to the Code Enforcement Officer and/or his/her designee to inspect the subject property at any time to determine compliance with applicable law.

f. Issuance of a Short Term Rental permit is conditioned upon an inspection by the Code Enforcement Officer to confirm compliance with applicable law.

C. Operating Standards.

1. A Short Term Rental may not be leased to parties exceeding in number two (2) adults per bedroom.

2. Provisions shall be made for weekly garbage removal. Garbage containers shall be always secured with tight-fitting covers to prevent leakage, spilling, or odors, and placed where they are not visible from the street or road except around pick-up time.

3. Short Term Rentals shall not be leased solely for the purposes of hosting events, weddings, parties, or other large gatherings.

4. The use of outdoor speakers or other audio amplification devices at any property used for Short Term Rentals is not permitted after 10:00 p.m.

5. Every Short Term Rental Unit and the property in which it is located shall maintain continual compliance with the New York State Uniform Fire Prevention and Building Code. Without limiting the foregoing, (a) emergency evacuation procedures must be posted in each sleeping room; (b) an ABC Fire extinguisher shall be provided on each floor and in the kitchen; (c) fire extinguishers shall be inspected monthly by the permit holders; and (d) exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

6. All Short Term Rentals must be operated pursuant to a rental contract that includes the following: (a) maximum occupancy of the Short Term Rental Unit; (b) maximum allowed on-site parking; (c) a statement that the Short Term Rental is in a residential area and renters are required to be conscious of maintaining a peaceful residential atmosphere; (d) a statement that renters are required to comply with all applicable noise ordinances; (e) a prohibition on littering; (f) a requirement that all indoor and outdoor fires be attended to at all times; and (g) the renters' agreement that the failure to comply with the rental contract is grounds for immediate termination of the rental of the Short Term Rental Unit.

7. Liability and property insurance reflecting the property's use as a Short Term Rental shall be maintained at all times.

8. A copy of the certificate of authority to collect Schuyler County occupancy tax, the certificate of occupancy applicable to the Short Term Rental Unit and the Short Term Rental permit applicable to the Short Term Rental Unit shall be conspicuously posted in every Short Term Rental Unit.

9. The permit holder shall provide a copy of the permit to the owners of all properties adjacent to the Short Term Rental property. A statement of compliance with this provision identifying the owners served, their addresses, and the method of service (e.g., mail, personal delivery), shall be filed with the Town Clerk prior to rental of the Short Term Rental Unit to which the permit applies.

10. All advertisements for a Short Term Rental Unit shall conspicuously display the Unit's Short Term Rental permit number.

D. Complaints

1. A Complaint Review Board is hereby established to review and investigate complaints pertaining to the operation of Short Term Rentals. The Complaint Review Board shall consist of the Code Enforcement Officer, one member of the Planning Board (as designated by the Supervisor), and one member of the Town Board (as designated by the Town Board).
2. All complaints received by the Code Enforcement Officer with respect to the operation of a Short Term Rental shall be reduced to writing and referred to the Complaint Review Board.
3. Following receipt of a complaint the Complaint Review Board shall investigate the complaint to determine whether a violation of this Section is or was occurring. Upon a finding by the Complaint Review Board that a violation occurred or is occurring, the Code Enforcement Officer shall issue a notice to the property owner and the designated property contact(s) detailing the violation, specifying the corrective action to be taken and stating the date by which such action must be completed, which shall not be more than thirty (30) days after the date the notice of violation is delivered to the property owner. The Code Enforcement Officer may also:
  - a. Impose conditions relating to the violation on any permits in effect at the property where the violation occurred; and/or
  - b. Suspend the permit(s) in effect at the property where the violation occurred until the required corrective action is completed;
4. Notices issued pursuant to this Section shall be delivered by personal service or by certified mail to the property owner or designated property contact.

E. Violations. The following provisions shall apply to in addition to, and not in limitation of, the provisions of Article IV and any other applicable law.

1. Revocation of permits.
  - a. Upon (i) the failure by the permit holder to comply with any notice requiring corrective action within the time period designated by the Code Enforcement Officer, or (ii) the finding by the Complaint Review Board of a third violation of this Section attributable to a particular Short Term Rental Unit, or any combination of Short Term Rental Units the permits for which are held by the same party, all Short Term Rental permits held by such party and applicable to Short Term Rental Units in the building in which the violation(s) occurred shall be revoked by written notice of the Code Enforcement Officer to the permit holder and the designated property contact.
  - b. Any such revocation of a Short Term Rental permit or permits shall be appealable to the Zoning Board of Appeals. Any such appeal shall be taken, if at all, by the permit holder filing an appeal to the Zoning Board of Appeals within fifteen days following the delivery of the notice of revocation of the permit(s). The Zoning Board of Appeals shall then schedule a hearing on the appeal within thirty days following the filing of the application for an appeal. Following such hearing the Zoning Board of Appeals shall determine whether the grounds for revocation of the permit(s) in question were sufficient and whether all procedures requisite to such revocation were materially complied with. Upon a finding in the affirmative the Zoning Board of Appeals shall provide notice to the permit holder and the Code Enforcement Officer that the revocation is confirmed. Upon a finding in the negative the Zoning Board of Appeals shall provide notice to the permit holder and the Code Enforcement Officer that the revocation is rescinded.

c. During the appeal of the revocation of a Short Term Rental permit, the Short Term Rental Unit(s) to which such permit(s) apply may continue to be operated in accordance with the requirements of this Section.

d. Any permit holder that has had a Short Term Rental permit revoked pursuant to this subsection, and which revocation has been upheld upon appeal (as applicable), shall not be eligible to apply for a new Short Term Rental permit for a period of one year after the date of revocation.

2. If any party shall operate or permit to operate a Short Term Rental in the Town of Dix without having in place at the time of such operation a Short Term Rental permit as required by this Article XVI, (a) the property upon which such operation of a Short Term Rental occurred shall be ineligible to receive a permit to operate a Short Term Rental for a period of three (3) years following the last date of such unpermitted operation, as documented by the Code Enforcement Officer, whose determination as to the last date of such unpermitted operation shall be deemed conclusive; and (b) such party shall be subject to a civil penalty of up to five thousand dollars for each day of such operation, which civil penalty shall be recoverable by the Town in a civil action commenced by the Town Board and/or the Code Enforcement Officer, and shall be liable to the Town for all court costs, filing fees, attorneys' fees, experts' fees and other costs incurred by the Town in connection with any such civil action.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the ~~(County)(City)~~(Town)(Village) of Dix Town Board was duly passed by the (Name of Legislative Body) on September 11 2023, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 2023, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Naomi C. Kinastley*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Sept 29, 2023

(Seal)