

Village of Coxsackie

Local Law No. 4 of the year 2023

A local law enacting regulation of Short- Term Residential Rentals

[Adopted 10-15- authorized under Local Law 1 of the year 2013 by L.L. No. 1-2013] which shall replace the current Chapter 111 Article I, titled “Short Term Residential Rentals” in its entirety.

AUTHORITY

This Local Law is enacted by the Village Board of the Village of Coxsackie pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Be it enacted by the Village Board of the Village of Coxsackie as follows:

SHORT TITLE

This local law shall be cited as Local Law # 4 of 2023 of the Village of Coxsackie and is entitled “Short Term Residential Rentals.”

§111-1. Findings and intent

- A. The Village Board finds that short-term residential rental activities constitute a business which impacts upon the public health, safety, and general welfare of the people of the Village. The use of single- and multifamily dwelling units for vacation rental lodging purposes provides visitors an alternative to standard lodging; however, such uses may have negative effects on the character and stability of the neighborhoods in which they are located. The purpose of this article is to establish regulations for the use of short-term residential rentals in order to protect the public health, safety, and general welfare of the people of the Village and to further achieve the following beneficial purposes:
1. The protection of the character and stability of both residential and commercial areas;
 2. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings; and
 3. The preservation of the value of land and buildings throughout the Village; and
 4. Achieving an appropriate balance of Short Term Residential Rental uses and other uses within certain areas of the Village.
- B. This article is not intended to regulate hotels, motels, inns, bed-and-breakfast establishments, time-share units, rooming houses, nursing homes, halfway homes, or rehabilitation homes. Residential units rented on a month-to-month or annual basis, pursuant to a valid lease agreement, are also excluded.

§111-2. Definitions

As used in this article, the following terms shall have the meanings indicated:

AGENT — A person 18 years of age or older or entity designated by the Owner on the registry form who, by such Owner designation, shall have the authority to make decisions regarding the management and maintenance of any and all Rental Units owned by the Owner and located within the Village.

UNIFORM CODE — New York State Uniform Fire Prevention and Building Code, as amended.

COUNTY — Greene County, New York.

DEPARTMENT — Village of Coxsackie's Code Enforcement Department.

DWELLING UNIT - A building, or portion thereof, providing complete housekeeping facilities for one family.

GOOD NEIGHBOR BROCHURE — A document prepared by the Village Board that summarizes general rules of conduct, consideration, and respect, including, without limitation, provisions of the Code of the Village of Coxsackie that are applicable to or expected of residents of the Village.

OWNER — Person(s) or entity(ies) that hold(s) legal and/or equitable title to a Rental Unit.

PROPERTY — A residential legal lot of record on which a Rental Unit is located.

RENTAL REGISTRATION CERTIFICATE — The annual certificate issued by the Village Clerk upon receipt of an owner's completed registration form and payment of fee, pursuant to this article.

RENTAL UNIT — One or more dwelling unit(s), used for the purposes of a short-term residential rental.

RESPONSIBLE PERSON — An occupant of a Rental Unit required to be at least 18 years of age and who shall be legally responsible, along with the Owner, for compliance of all occupants of the unit and/or their guests with all provisions of this article, and/or the Village Code and any other laws, rules, and regulations applicable to the use of the Rental Unit as a Short-Term Residential Rental.

SHORT-TERM RESIDENTIAL RENTAL — A Rental Unit rented for occupancy for dwelling, lodging, or sleeping purposes to the same renter for the same unit for a period of 28 consecutive days or less, other than ongoing month-to-month or annual tenancy.

VILLAGE CLERK — The Clerk of the Village of Coxsackie.

VILLAGE CODE — Code of the Village of Coxsackie.

111-3. Rental unit registration

- A. No person shall allow to be occupied, or rent to another for occupancy, any Rental Unit unless the owner has first registered such unit with the Village Clerk in accordance with the provisions of this section.
 1. Any Owner of Property located within either the Community Commercial or Village Center Zoning District who wishes to establish a Short Term Residential Rental after the effective date of the local law or ordinance from which this article is derived shall

- file with the Village Clerk a registry form as herein provided prior to any use of the Property as a Short Term Residential Rental Such application shall be made on a form furnished by the Village Clerk and shall set forth the following information, in addition to other information required by the Village from time to time which may be necessary to administer, enforce and ensure compliance with the provisions of this article:
- a) Name, principal residence address, telephone number and e-mail address of each owner of record;
 - b) If the owner is an entity, association, partnership, limited liability partnership, or ownership is shared by joint tenancy, tenancy in common, tenancy by the entirety, then the name of each and every owner, partner or general partner and addresses in accordance with Subsection B (1) of this section;
 - c) If the owner is a corporation or a limited liability company, the principal place of business of the corporation must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included;
 - d) The street number of the building that each Rental Unit is located in, along with a specific designation of the Rental Unit numbers if more than one Rental Unit is present in any one building;
 - e) The number and location of Rental Units within each building;
 - f) The types of any fire-protection systems located within each building and within each Rental Unit;
 - g) The number of bedrooms and the applicable overnight and daytime occupancy limit of the Rental Unit(s);
 - h) Acknowledgment of receipt and inspection of a copy of all regulations pertaining to the operation of the Rental Unit(s); and
 - i) Parking locations and number of spaces relied upon for the short-term lessees. The parking plan must comply with the underlying zoning district parking regulations.
 - j) Insurance carrier and coverage. Attach copies of insurance certificates.
 - k) List the address of the website or other medium used for advertising and attach a copy of the ad content.
 - l) Property Owner's consent to operate a Short Term Residential Rental.
 - m) If applicable, the name of the Owner's designated local agent, with the agent's principal residence address, principal business address, phone numbers and e-mail address.
 - n) It shall be the responsibility of the Owner to properly register any change of address, agent or any other registration information which occurs after the filing of the registry within 60 days of the date of change.
- B. Evidence that the Owner has placed on the back of the door of the Short Term Residential Rental Unit (i) the street address of the building of which the Rental Unit is a part; (ii) the unit number, if any, of the Rental Unit and (iii) a map depicting the most direct means of egress from the Rental Unit in the event of an emergency.
- C. For purposes of this section, a post office box shall not be accepted as the Owner's or agent's address. Further, the Rental Unit intended to be registered shall not be accepted as

the Owner's or agent's address unless it is the principal place of business or residence of the Owner or agent.

- D. If said Owner's principal place of business is not located within the county, or is located within the county but none of the business's officers or directors or members reside in said county, or the Owner's principal place of residence is not located in said county, the owner must designate on the registry form a natural person 18 years of age or older who resides in the county as Owner's agent whom the owner authorizes to make decisions regarding the management and maintenance of the building and upon whom service of legal process and all notices may be served or delivered. The Owner's designation of an agent shall authorize and empower the agent to make such decisions on behalf of the owner.
- E. Within 60 days of the date of transfer of the legal or equitable title to any building required to be registered by this article, the new Owner shall file with the Village Clerk a new registry form.

§111-4. Terms and limits

- A. A rental registration certificate issued pursuant to this article shall expire one year after the date of issuance, unless revoked or withdrawn prior to expiration. A renewal request for the rental registration certificate is due 30 days prior to its expiration and requires payment of the annual fee. If applicable, any changes to registration information shall be submitted at the time of renewal.
- B. Each Owner of a short-term rental shall be responsible for compliance with this Article and all other laws, rules, and regulations applicable to the Short Term Residential Rental Local Law or risk revocation of the permit.
 - 1. The maximum number of Short-Term Residential Rentals permitted in the Community Commercial zoning district shall be 15.
 - 2. The maximum number of Short-Term Rental buildings permitted in the Village Center zoning district shall be 10.

§111-5. Fee

An annual registration fee of ~~\$500~~ \$250 per building and ~~\$200~~ \$100 per short-term Rental Unit shall be paid by the Owner at the time of filing a rental registration certificate for each Rental Unit being registered.

§111-6. Operational requirements and standard conditions.

- A. Every Owner of property within the Village is required to maintain such property and Rental Unit in a manner so as to not violate the provisions of this Code, and such Owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- B. The Owner shall use reasonably prudent business practices to ensure that the rental unit complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.

C. The Code Enforcement Officer shall inspect the premises annually, applying the Uniform Code and the Property Maintenance Code for NYS (PMCNYS) requirements for Rental Units, including but not limited to:

1. Carbon Monoxide (CO) monitors must be installed and operational on all floors that have a source of CO.
2. Smoke detectors must be installed and operational on all floors with additional detectors located in the kitchen; one within 15' outside of each bedroom or sleeping unit; and one inside each bedroom or sleeping unit.
3. A laminated map designating an escape route during an emergency must be posted on each floor.
4. All egress paths must be cleared.
5. Exterior doors must be operable and capable of securing with an installed lock.
6. Sleeping rooms or units must have operable windows with sufficient area for light, vent and an opening sized for egress.
7. Mechanical, electrical, and plumbing systems must be operational, inspected, maintained, and in safe working condition.

D. The Owner shall limit overnight occupancy of the Rental Unit to a specific number of occupants, with the maximum number of overnight occupants as two persons within each Rental Unit plus an amount not to exceed two persons per bedroom within each Rental Unit. The Owner shall also limit the total daytime occupancy of the Rental Unit to a specific number of occupants not to exceed an amount determined by adding the total overnight occupants to a number equal to 50% of the overnight occupants, except that two daytime occupants shall be permitted in a studio unit or such other unit that does not contain a separate bedroom. The following chart is provided as an example of how this section would be applied to specific situations:

Number of Bedrooms	Total of Overnight Occupants	Additional Daytime Occupants	Total Daytime Occupants
0	2	2	4
1	4	2	6
2	6	3	9
3	8	4	12
4	10	5	15
5	12	6	18
6	14	7	21
7	16	8	24

- E. During the term each Rental Unit is rented, the Owner, his or her agent, and/or the local contact person designated by the Owner shall be available 24 hours per day, seven days per week, for the purpose of responding within a timely and appropriate manner to complaints regarding the condition, operation, or conduct of occupants of the Rental Units.
- F. The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Rental Unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Village Code or any state law.
- G. For each separate rental stay, prior to occupancy of a Rental Unit, the owner or the Owner's agent or representative shall 1) obtain the name, address, and driver's license number (or other state or federally issued identification) of the responsible person; 2) provide a copy of the Good Neighbor Brochure to the responsible person; and 3) require such responsible person to execute a formal acknowledgment that he or she is legally responsible for compliance of all occupants of the Rental Unit or their guests with all provisions of this article and/or the Village Code. This information shall be maintained for one year from the issuance of a rental registration certificate and be readily available upon request of any officer of the Village responsible for the enforcement of this article.
- H. The Owner, or his or her agent, upon notification that the responsible person, including any occupant and/or guest of the Rental Unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Village Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. Failure of the Owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the Rental Unit in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an Owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation. The Owner, or his or her agent, shall report the name, violation, date, and time of disturbance of each responsible person involved in three or more disturbances covered by this subsection to the Code Enforcement Department.
- I. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection between the hours of 5:00 a.m. and 8:00 p.m. on scheduled trash collection days. The Owner of the Rental Unit shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapters 82 and 126 of the Village Code (Littering and Solid Waste, respectively) and shall provide the highest level of solid waste collection service available to residential customers in the Village.
- J. The Owner of the Rental Unit shall post a copy of the rental registration certificate, Good Neighbor Brochure, and a copy of the conditions set forth in this section in a conspicuous place within the unit.
- K. The Owner shall provide each occupant of a Rental Unit with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:

1. The name of the managing agency, agent, rental manager, local contact person, or Owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;
 2. The maximum number of overnight occupants, and the maximum number of daytime occupants permitted to stay in the unit;
 3. The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 4. Notification that the amplification of music outside of the Rental Unit is a violation of this article;
 5. Notification that the responsible person may be cited or fined by the and/or immediately evicted by the Owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this article;
 6. Notification that failure to conform to the occupancy requirements of the Rental Unit is a violation of this article;
 7. A copy of this article of the Village Code, as may be amended from time to time.
- L. The use of a Rental Unit shall not violate any applicable conditions, covenants, or other restrictions on real property.
- M. The Department shall have the authority to impose additional standard conditions, applicable to all Rental Units, as necessary, to achieve the objectives of this article. A list of all such additional standard conditions shall be maintained and on file in the office of the Village Clerk and such offices as the Department designates.

§111-7. Advertising.

- A. All advertising for a short-term residential rental shall include the valid certificate number issued to the registered Owner.
- B. Reservation websites shall include the short-term residential rental policies or a working link to such policies.
- C. All advertising must comply with the Short-Term Rental Local Law and remain within the scope of the permit issued and claims stated in the application. Discrepancies shall result in enforcement including but not limited to revocation of the permit and issuance of fines as defined in the section below.

§111-8. Presumptive use

- A. The presence of the following shall create a presumption that a dwelling unit is being used as a short term residential rental property:
 1. The dwelling unit or any room therein is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO and the like for a period of less than 28 days; or
 2. The dwelling is offered for lease in any medium for a period of less than 28 nights; or
 3. A lessee files a complaint with the Village Code Enforcement Department; or
 4. A lessee submits a rental agreement.

- B. The presumption use may be rebutted by evidence, presented to the Code Enforcement Official, that the dwelling unit is not a transient rental property.

§111-9. Pre-existing short term residential rentals

A. Unregistered Short Term Residential Rentals

Unregistered Short Term Residential Rentals that have been operating as Short Term Residential Rentals in any zoning district within the Village as shown by signed, dated rental agreements, business receipts or other evidence acceptable to the Village Code Enforcement Officer, may become a legal nonconforming use through compliance with the Short Term Residential Rental provisions.

1. Previous use of the Property as a Short-Term Rental must be evidenced by signed, dated, rental agreements, business receipts or other evidence acceptable to the Village Code Enforcement Officer.
2. Within 60 days after the effective date of the ordinance from which this article is derived, the Owner of each unregistered Rental Unit existing on such effective date shall file with the Village Clerk a registry form and must comply with the Short-Term Rental local law.
3. Continued compliance and annual renewals are required to maintain legal nonconforming status.
4. Abandonment of the use by nonrenewal of the permit, conveyance of the property without transferring the permit or discontinued use for six (6) consecutive months shall extinguish the legal nonconforming status.

B. Registered Short Term Residential Rentals

1. Existing, legally permitted short-term rentals shall continue to operate as-is subject to the Short-Term Rental local law and annual permit renewal requirements.
2. Continued compliance and annual renewals are required to maintain legal nonconforming status.
3. Abandonment of the use by nonrenewal of the permit, conveyance of the property without transferring the permit or discontinued use for six (6) consecutive months shall extinguish the legal nonconforming status.

§111-10. Enforcement

- A. Any person who uses, or allows the use of, property in violation of the provisions in this article may be issued an appearance ticket pursuant to Chapter 3 of the Village Code. The first violation is punishable by a fine in the amount of \$350. A second violation within five (5) years shall result in a fine of \$700. Each subsequent violation within five (5) years shall be \$1000.
- B. Upon three violations in any twenty-four-month period, the Department may suspend or revoke the rental registration certificate for a Rental Unit. Suspension or revocation may,

at the Code Enforcement Officer's discretion, result in an Owner being ineligible to apply for a rental registration certificate for three years.

- C. Operating without a valid certificate is prohibited. Evidence of operation may include guest testimony, rental agreements, receipts, advertising, or any other information deemed relevant by the Code Enforcement Officer. Operating without a valid rental registration certificate shall result in an Owner being ineligible to apply for such certificate for three years.
- D. The remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Village to address any violation of this Code or other public nuisance.

Zoning Definitions Amendment

The Village Board of the Village of Coxsackie hereby amends portions of the Village of Coxsackie Zoning Code Chapter 201 [Zoning] Section 5 [Definitions] Subsection B as set forth below:

BED AND BREAKFAST

An owner-occupied single-family dwelling unit in which at least one, but not more than four, sleeping rooms are provided by the owner-occupant as overnight/lodging facilities, providing accommodation, prepared meals, and concierge services to transient guests.

HOTEL (also INN)

One or more buildings containing 10 or more rooming unit(s) with private bathrooms and with or without kitchenette facilities in which temporary lodging is offered to the public for compensation. Hotels shall provide customary hotel services such as an area for the registration of guests, daily housekeeping service, the furnishing and laundering of linen, telephone and secretarial or desk service. Hotels may provide amenities such as restaurants, meeting rooms, swimming pools and exercise facilities to guests and the general public. Staff are available on-site to assist guests at all times.

MOTEL

A building or group of detached or connected buildings designed or used primarily for providing transient sleeping accommodations where each accommodation unit maintains a separate outside entrance, no unit of which has a full kitchen, and which has no other individual or centralized kitchen or laundry appliances located or maintained anywhere on the premises.

SHORT-TERM RESIDENTIAL RENTAL — A Rental Unit rented for occupancy for dwelling, lodging, or sleeping purposes to the same renter for the same unit for a period of 28 consecutive days or less, other than ongoing month-to-month or annual tenancy.

Zoning Use Table Amendment

The Village Board of the Village of Coxsackie hereby amends portions of the Village of Coxsackie Zoning Code Chapter 155 Attachment 2 Schedule A, Use Regulations for Residential Districts, and Schedule B, Use Regulations for Nonresidential/Mixed-Use Districts as follows:

Schedule A Principal Uses	WR	RRA	MDR-1	MDR-2	MDR-3	MR	
Short Term Residential Rental	NP	NP	NP	NP	NP	NP	

Note: In the case of Short Term Residential Rentals, the provisions of Chapter 111 shall be followed.

Schedule B Principal Uses	WRC	VC	WD	NC	CC	CSR	I
Short Term Residential Rental	NP	P	NP	NP	P	NP	NP

Note: In the case of Short Term Residential Rentals, the provisions of Chapter 111 shall be followed.

§ 155-60. Nonconforming uses and buildings.

The Village Board of the Village of Coxsackie hereby amends portions of the Zoning Code Chapter 155 Section 60 Subsection A regarding continuing existing uses.

- A. Continuing existing uses. Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter may be continued, although such uses may not conform to the standards specified in this chapter for the zone in which such land or building is located. However, no change shall be made so as to create a nonconforming lot, use, building or other structure or to make a nonconforming lot, use, building or structure more nonconforming from the effective date of this chapter. Additionally, in the case of Short Term Residential Rentals, the provisions of Chapter 111 shall be followed.

Effective date

This article shall take effect upon its filing with the New York Secretary of State.