

# 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 Monroe \_\_\_\_\_

Local Law No. 1 of the year 2022

A local law to Amend the Town Zoning Code and add a new Chapter 40 Entitled "Rentals, Short Term"  
*(Insert Title)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  City  Town  Village  
*(Select one:)*

of Monroe \_\_\_\_\_ as follows:

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

**(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 2022 of the ~~(County)(City)~~(Town)~~(Village)~~ of Monroe was duly passed by the Town Board on February 7, 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ 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.

\* 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 1 above.

*Valerie Bites*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *February 8, 2022*

(Seal)



TOWN OF MONROE  
LOCAL LAW NO. 1 OF THE YEAR 2022

A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN AND CHAPTER 57 (ZONING) OF THE TOWN CODE, AND ESTABLISHING A NEW CHAPTER 40 “RENTALS, SHORT TERM” TO ESTABLISH POLICIES AND TO REGULATE SHORT TERM RENTALS OF DWELLINGS

Be it enacted by the Town Board of the Town of Monroe by authority and Article 2, §10 of the Municipal Home Rule Law, as follows:

*(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “\* \* \* \* \*” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

*Section 1: Legislative findings and intent. The Town Board of the Town of Monroe hereby finds and declares:*

- (1) Legislative findings.
  - (a) There is a critical and compelling need to regulate short-term rental use of dwellings located in the Town of Monroe. Most dwellings in the Town are not subject to the New York State Uniform Fire Prevention and Building Code (Uniform Code) provisions for protecting transient occupants. Therefore, the Town Board finds and determines that the public health, safety, and welfare of current and future Town residents as well as transient visitors will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.
  - (b) The Board further finds and determines that conditions arising from the unregulated short-term rental of dwelling units that may be substandard or in violation of the Uniform Code, New York State Multiple Residence Law and applicable Town of Monroe Codes, pose hazards to life, limb and property of residents of the Village, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services. The Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect.
  - (c) The Board further finds that, if well-regulated, the short-term rental of dwelling units may provide opportunities for dwelling owners to obtain much needed income from their properties and may also provide needed accommodations for travelers and visitors who will patronize local business establishments and provide a source of economic development to the community.

- (2) Intent. These regulations intend to protect the health and safety of Town residents and visitors as follows:
- (a) Allow and regulate transient rental uses of residential dwellings; and
  - (b) Protect and preserve the Town's appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town's zoning, subdivision, property maintenance and related local laws; and
  - (c) Protect and ensure the safety of its current and future residents as well as those traveling to or visiting in the Town; and
  - (d) 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.

*Section 2: Amend the Town of Monroe 2017 Comprehensive Plan Update, Chapter II. Vision for the Future, Subpart D. Conceptual Land Use Plan, subsection 2, "Residential Land Use Areas," pp II-13 to II-14, replacing the sentence that reads:*

Residential neighborhoods should also be protected from activities that are incompatible with their residential character – thus, short-term transient rental properties, e.g., Air BnBs, should not be permitted except in conjunction with a bed and breakfast use, where permitted.

*And replacing it with the following sentence:*

Residential neighborhoods should also be protected from activities that are incompatible with their residential character – thus, short-term transient rental properties should be well-regulated, where permitted.

*Section 3. Amend Chapter 57 (Zoning) §57-3 Definitions, to add the following new definitions, to be inserted in alphabetical order:*

**OFFER TO RENT**

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, the availability for rental or similar use of any dwelling or rooming unit, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

## **RENTAL**

An agreement, written or oral, granting use or possession of a dwelling, in whole or part, to a person or group in exchange for monetary compensation or other valuable consideration.

## **SHORT-TERM RENTAL (STR)**

A dwelling or portion thereof including accessory outdoor areas, yards or structures, that is rented for transient occupancy in whole or in part. "Short-term rental" shall also include the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a dwelling, outdoor areas or accessory yards or accessory structures on a transient basis. The term "short-term rental" shall not include:

- A. Month-to-month tenancies in dwellings; or
- B. Transient stays in hotels or bed and breakfast facilities that have received a site plan approval from the Planning Board or are permitted as part of a Business Park under this Chapter.

## **SHORT-TERM RENTAL TENANT**

A person or group that occupy or intend to occupy a short-term rental on a transient basis as a single household sharing living, cooking and housekeeping responsibilities during their term of occupancy.

## **TRANSIENT**

Occupancy by any individual or family for 29 or fewer consecutive nights or 29 or fewer nights in any calendar year.

*Section 5. Adopt a New Chapter 40, "Rentals, Short Term" As follows:*

### **§40-1 Legislative Intent:**

A. These regulations are 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 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.

## **§40-2 Word Usage**

For the purpose of this chapter, the words and terms shall be interpreted as set forth in §57-2 and §57-3 of the Zoning Local Law.

## **§40-3 Permit Required and Prohibited Rentals.**

- A. It shall be unlawful for any person to rent or offer to rent a short-term rental within the Town of Monroe without first obtaining a Short-Term Rental Permit.
- 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.

## **§40-4 Eligibility.**

- A. Eligible properties and structures. Permits shall only be issued for one single-family detached dwelling per lot. No more than one short-term rental permit shall be approved for any lot. For lots containing more than one structure utilized as dwellings, one structure may be permitted as a short-term rental, where the other structure is the permanent residence of the permit holder occupied on a non-transient basis.
- B. Qualifications for Permitholder. The permit holder shall be a natural person:
  - (1) Holding a minimum of a fifty percent interest in the legal title to the lot on which the short-term rental is located; or
  - (2) Who is the duly authorized representative of the entity holding a minimum of a fifty percent interest in the legal title to the lot on which the short-term rental is located, and which natural person shall be authorized by fifty percent or more of the controlling interest in the entity holding more than fifty percent interest in the legal title.
- C. Multiple Permit Eligibility. A permittee may hold no more than one short-term rental in the Town for a probationary period of thirty-six (36) months from first permit issuance unless they have been a full-time resident and property owner in the Town for at least three years. After the probationary period, a permitholder may apply for one additional permit per year so long as there have been no revocations or denials of renewal of any permits held by the permitholder within the preceding twenty-four (24) months.
- D. Private restrictions on Short Term Rentals. The applicant shall provide with the application, copies of any applicable homeowner or condominium association bylaws or rules and any other applicable private conditions, covenants, or restrictions including lake rights. If a proposed short-term rental home property is subject to such conditions, covenants, or restrictions, then correspondence from the association or other entity responsible for their enforcement is required. The correspondence shall include specific conditions that determine whether the proposed short-term rental home use is allowed. Upon receipt of an application, the Building Inspector shall forward such correspondence to the Town Attorney, who shall review the restrictions and advise the Building Inspector on whether there are any legal restrictions preventing issuance of the permit, in which case the Building Inspector shall deny the permit. The Town of Monroe shall not be bound by any private conditions, covenants, or restrictions

upon the subject parcel. Any private limitations may be enforced against the property owner through appropriate civil action.

**§40-5. Designated Manager Required.**

- A. The permitholder shall serve as manager of the short-term rental; except that, the permitholder may designate:
- (1) An immediate adult family member of the permit holder 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.
  - (3) A non-transient occupant of the lot containing the short-term rental who resides on the lot as the occupant's principal residence.
  - (4) An adult to serve as a temporary manager for up to forty-five days in a twelve-month period.
- 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 of any designation of an individual as a manager under this section, including a statement of the designated manager's tenure, residential and business addresses, and telephone numbers, and notify same of any change in the manager's addresses or telephone numbers.
  - (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 home within two (2) 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 ninety (90) driving miles.
  - (3) Ensure compliance with Orange County Department of Health regulations, this chapter, permit conditions, and other applicable laws and regulations.
  - (4) Enforce the house policies.
  - (5) Collect all rental fees.

**§40-6. 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 the rental agreement, which shall be required to be signed by the rental contract holder. 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 home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet 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 during quiet hours.
  - (3) Vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.
  - (4) Parties or group gatherings by persons other than the short-term rental tenants are not allowed.
  - (5) No more than one daytime guest is permitted per two overnight occupants, and any daytime guest must depart prior to the start of quiet hours.
  - (6) In the event of a complaint received by the Town, the property is subject to inspection by the Town Code Enforcement Official within 24 hours, and any rental tenant must not interfere with the inspection.
- B. Term of short-term rental. No short-term rental contract shall be for a term of less than 24 hours.
- C. Occupancy limitation for lots of more than 5 acres and where permittee is residing on-site during the duration of the short-term rental. 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) Four (4) persons per bedroom as determined by the Building Inspector; 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. Occupancy limitation under all other circumstances. 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) Twelve (12) persons; or
  - (2) Four (4) persons per bedroom as determined by the Building Inspector; or
  - (3) 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.
- E. 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.
- F. Short-term rental occupancy shall not be permitted in any vehicle, trailer or camper, and sleeping accommodations shall not be provided in a tent or other temporary structure.
- G. Exclusive short-term use. There shall only be one short-term rental tenant at any time for any property permitted under this chapter. A non-transient owner or 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 is not exceeded.

- H. Lodging taxes. The permit holder 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.
- I. Insurance. Permitholders 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.
- J. Fire safety. An initial inspection to ensure compliance with the Residential and Fire Codes of New York State shall be required prior to issuance of a Short-Term Rental permit, and a follow-up inspection shall be required annually. Inspection fees shall be set from time to time, according to a fee schedule adopted by the Town Board and noted in a schedule to be maintained by the Town Clerk. In addition to any requirements of the Residential and Fire Codes of New York State, the following standards shall be met:
  - (1) A hard-wired fire alarm shall be installed in all bedrooms, kitchen and living spaces. As an alternative to 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.
- K. Offer to rent.
  - (1) Any offer to rent as defined herein, shall include the valid permit number.
  - (2) Any offer to rent shall include a disclosure of the short-term rental house policies.
- L. Safe access. Hard-surfaced walkways equipped with low-level lighting shall be provided from the driveway where parking is afforded and the entrance to the short-term rental.
- M. Compliance Inspection. As an ongoing condition of the permit, the manager of the premises shall make the premises fully available to the Code Enforcement Officer or duly authorized deputy within 24 hours of receipt of a request by phone, regardless of whether the premises are currently occupied.

#### **§ 40-7 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 Town Board upon appeal by the applicant:
  - (1) The name, address, and telephone number of the applicant.
  - (2) Verification of property ownership, or affidavit of ownership and authorization by at least 50% of persons or entities holding controlling interest in the property.
  - (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 §40-6 for renewals, and for initial application, understanding of the requirements of §40-6 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 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 application may appeal a determination of the Building Inspector on this matter to the Town Board. 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 applicant may appeal a determination of the Building Inspector on this matter to the Town Board. 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 proposed fences, berms, and landscape planting buffers.
  - (d) Approximate treeline of wooded areas or location and diameter at breast height of individual trees providing substantial screening to adjacent residences or other land uses.
  - (e) Location of all proposed accessory structures and uses, including pools, decks, sheds, awnings, cupolas.
  - (f) Location of any exterior firepit or fire feature.
  - (g) Designation of bedrooms, kitchen, bathrooms, and other demised interior spaces.
  - (h) Location of proposed and existing hard-wired 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) A certification form signed by the owner 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 Monroe 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 §40-10.
- (9) Registered mail receipts of the notice of application.
  - (10) Proof of registration with all proper taxing authorities.
  - (11) Certificate of Liability Insurance form prepared by a licensed insurance agency.
  - (12) Additional information as may be requested by the Building Inspector.
  - (13) 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.
- B. 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-hundred-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 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.

#### **§ 40-8 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 (7) calendar days.

- B. Upon confirmation of a complete application, the Building Inspector shall review the application against the Residential and Fire Codes of the State of New York and conduct an inspection of the premises within twenty-one (21) days.
- C. The Building Inspector shall determine compliance with the Residential and Fire Codes of the State of New York and advise the applicant of any deficiencies within three (3) days of the inspection. Any resubmission shall be subject to reinspection and report within seven (7) days.
- D. Upon a satisfactory inspection, the Building Inspector shall forward the application to the Town Board along with any objections to permit issuance received.
- E. Upon receipt of an application for a first permit issuance of an STR for which an objection has been received, the Town Board shall schedule a public hearing on the permit at a regularly scheduled Town Board meeting, no less than 14 days and no more than 45 days from application receipt. The Town 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 Town 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 Town Board shall consider the information in the application, the testimony of the Building Inspector, the testimony of the application and the testimony of any objecting neighbors and the applicant, and shall authorize the permit where it finds the following standards are met:
  - (1) Adequate parking facilities are provided to meet the parking requirement of four off-street parking spaces 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, or it is so situated to not be seen as inconsistent with the appearance of other area residences as viewed from any public street or public park.
  - (3) The structure and lot are conforming to the requirements of this chapter or have received variances for any non-conformances and the lot and structure are not considered existing non-conforming uses or buildings.
  - (4) Adjoining residences and their yards are generally afforded a reasonable degree of privacy from view by occupants of the proposed vacation residence or partial vacation residence 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 an STR permit, the Town Board shall impose such reasonable conditions as are necessary to ensure that the intent of this chapter and the standards of §40-8(F)(1) through (5) are met.
- H. Issuance of an STR Permit shall be deemed a Type-2 action pursuant to 6 NYCRR 617 (State Environmental Quality Review).

**§40-9 Terms of Permit. Transferability.**

- A. The first issuance of a short-term rental permit for any property shall remain in effect for three (3) years from the date of issuance.
- B. A renewed permit will remain in effect for five (5) years from the date of issuance. It shall be the responsibility of the permit holder to submit a renewal application a minimum of sixty (60) days prior to the expiration of their existing permit.

**§40-10 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.

**§40-11 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 §40-4D.

**§40-12 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 and within 21 days of receipt of a complete application for renewal.
- C. The permit shall be renewed by the Building Inspector with no further action required by the Town 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 §40-12 are not met, the application will be referred to the Town Board for a permit decision pursuant to §40-8(E), (F) and (G).

**§40-13 Enforcement procedures.**

- A. Upon receipt of a complaint or observation of non-compliance with the requirements of this chapter, the terms of the short-term rental permit or the requirements of the Residential or Fire Codes of the State of New York, the Town Code Enforcement Official may contact the manager of the short-term rental and arrange for a property inspection and investigation of the complaint within 24 hours.
- B. After inspection and upon issuance of a notice violation of the requirements of this chapter, the terms of the short-term rental permit, or the Residential or Fire Codes of the State of New York, the Code Enforcement Official shall suspend the short-term rental permit.
- C. Suspension. While a short-term rental permit is suspended, the permitholder is barred from renting or offering to rent the subject premises, except that the Code Enforcement Official may allow the permitholder 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 permitholder 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 permitholder 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 Code Enforcement Official

#### **§40-14 Revocation and nonrenewal.**

- A. The Building Inspector may revoke or decline to renew a short-term rental permit where she or he finds that any of the following criteria are met:
  - (1) The permit holder provided false or misleading information during the application process, during a compliance inspection, or in connection with an investigation of violation by the Code Enforcement Official.
  - (2) The permit holder 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 permitholder 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 §40-13.
  - (6) More than three violations of the Residential or Fire Codes of that State of New York, Chapter 33A (Noise) of the Town of Monroe, or this chapter, or any combination thereof were issued within any twelve-month period.
  - (7) The permitholder or manager of the property barred entry of the Code Enforcement Official to the property after proper notification or otherwise unreasonably interfered with an inspection or investigation pursuant to §40-13.
- B. Any permitholder whose permit was revoked, denied, or not renewed shall be required to follow the procedures of §40-8 (Procedure for First Permit Issuance).

#### **§40-15 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, or any other information deemed relevant by the Code Enforcement Official. Operating without a permit more than seven (7) 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.

#### **§40-16 Transferability.**

- A. A short-term rental permit is not transferable, except that upon the death of a permit holder, the permit will transfer to an immediate family member or family members, where those family members inherit ownership of a minimum of a fifty percent interest in the legal title to the property that is the subject of the short-term rental permit. Immediate family includes a person's parents, spouse, siblings, stepparents, stepchildren, children, and their children's spouses.

#### *Section 6: Severability*

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

#### *Section 7. Effective date.*

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



## RESOLUTION

A meeting of the Town Board of the Town of Monroe, New York was convened on **February 7, 2022 at 7:00 p.m.**

The following Resolution was duly offered by Councilman McGinn and seconded to wit by Councilman Scancarello:

### **RESOLUTION ADOPTING LOCAL LAW TO AMEND THE TOWN ZONING CODE AND ADD A NEW CHAPTER 40 ENTITLED “RENTALS, SHORT TERM”**

**WHEREAS**, the Town of Monroe (“Town”) is authorized to enact and amend Zoning Laws within the Town pursuant to New York Municipal Home Rule Law and the Town of Monroe Code; and

**WHEREAS**, the Town Board finds and determines that the public health, safety and welfare of current and future Town residents will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.

**WHEREAS**, the Town Board further finds and determines that conditions arising from the short-term rental of dwelling units may endanger transient renters, pose hazards to life, limb and property of residents of the Town, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services; and

**WHEREAS**, the Town Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect

**WHEREAS**, the Town introduced a draft Local Law to amend Chapter 57 of the Town Code and add Chapter 40 to the Town Code to regulate short-term rentals; and

**WHEREAS**, a Public Hearing regarding such local law was duly noticed and opened on August 31, 2020 regarding such Local Law and all interested persons wishing to comment on such law were allowed the opportunity to participate and be heard; and

**WHEREAS**, the dates and times of all continuations of the Public Hearing were announced at each continuation of the public hearing and such Public Hearing was continued at regular Town Board meetings during the remainder of 2020, throughout 2021 and through January 18, 2022 and all interested persons wishing to comment on such law were allowed the opportunity to participate and be heard at which time the Public Hearing was closed; and

**WHEREAS**, the proposed local law was referred to the Orange County Department of Planning pursuant to New York State General Municipal Law § 239-m, which did not provide any responsive comments on the Local Law; and

**WHEREAS**, the Town of Monroe is the sole agency with authority to enacted and amend the Town Zoning and designated itself as Lead Agency; and

**WHEREAS**, the Town Board reviewed a Full Environmental Assessment Form including Part 1, Part 2 and Part 3 in considering the potential environmental impacts of the proposed amendments to the Zoning Law.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that:

- Section 1. The above “WHEREAS” clauses are incorporated herein by reference as if fully set forth herein.
- Section 2. For the reasons set forth in the Full Environmental Assessment Form, the Town Board hereby determines that the proposed Local Law does not pose any potential or significant adverse environmental impacts and hereby adopts the negative declaration in the form presented to the Town Board.
- Section 3. The Town Board hereby adopts Local Law No. 1 of 2022 entitled “A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN AND CHAPTER 57 (ZONING) OF THE TOWN CODE, AND ESTABLISHING A NEW CHAPTER 40 “RENTALS, SHORT TERM” TO ESTABLISH POLICIES AND TO REGULATE SHORT TERM RENTALS OF DWELLINGS.
- Section 4. The Town Clerk is hereby directed to file the final version of the Local Law with the Secretary of State and to publish the text of the Local Law in the Town Board Minutes and any other locations as deemed appropriate by the Town Clerk.
- Section 5. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Anthony Cardone, Supervisor	[ X ]	[ ]	[ ]	[ ]
Michael McGinn, Councilperson	[ X ]	[ ]	[ ]	[ ]
Mary Bingham, Councilperson	[ X ]	[ ]	[ ]	[ ]
Sal Scancarello, Councilperson	[ X ]	[ ]	[ ]	[ ]
Dorey Houle, Councilperson	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.