

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 of Lloyd
Village

Local Law No.-----2-----of the year 2024

**A LOCAL LAW TO REVISE CHAPTER 100 OF THE TOWN CODE ENTITLED
“ZONING”, TO REVISE SECTION 100-42.1 OF THE TOWN CODE ENTITLED
“SHORT TERM TRANSIENT RENTALS (STR)”**

Be it enacted by the----- Town Board----- of the

County

City

Town of -----Lloyd----- as follows:

Village

SEE ATTACHED

(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 2 of 2024 of the Town of Lloyd was duly passed by the Town Board on March 20, 2024 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 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 200__, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 200__, 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 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 200__, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 200__. 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 _____ 200__, 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 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 200__, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 200__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200__, 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.)~~

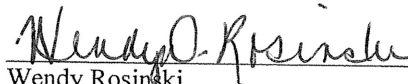
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 200__, 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 _____ 200__, 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 one, above.



Wendy Rosinski
Town Clerk

Date: March ²⁶ 2024

(Seal)

§ 100-42.1. Short-term transient rentals (STR).

A. Purpose.

- (1) With the increase in tourism over the past several years in the Town of Lloyd and adjacent areas, there has been an increase in the number of property owners renting to tourists on a short-term transient basis. Many residents list their properties as short-term transient rentals on web-based booking sites. Short-term transient rentals (STRs) offer benefits to property owners and residents in the Town such as increased income; however, STRs also create potential health, safety, and quality of life detriments to the community. In recognition of the widespread popularity of STRs and in recognition that many such rentals are already operating in the Town, the purpose of this section is to regulate the safety and use of STRs in line with the goals of the Town Comprehensive Plan.
- (2) The following section imposes mandatory regulations and requirements on all Town of Lloyd property owners that rent or propose to rent their property on a short-term transient basis. The purpose of such regulations and requirements are to assure that the properties being rented meet certain minimum safety and regulatory requirements which are proportional to those imposed on similar uses such as bed-and-breakfasts, inns, motels, and hotels; thereby protecting the property owners, the occupants of such housing and the residents of the Town of Lloyd.

B. Authorization. This section is adopted in accordance with Article 16 of the Town Law of the State of New York which grants the Town of Lloyd the authority to enact local laws for the purpose of promoting the health, safety, and welfare of the Town, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Town of Lloyd the power to protect and enhance its physical environment. The Town Board authorizes the Planning Board of the Town of Lloyd to issue special use permits to property owners to use their properties as STRs per the provisions of this section. The Building Department may, thereafter, issue STR permits, for such approved uses. Applications for a permit to operate an STR shall be processed under the procedures set forth in the Zoning Code and this section.

C. Zoning. The STR use of a property shall only occur as an accessory use to an existing or proposed single-family or, two-family dwelling in the A, R-2, R-1, R-1/2, R-1/4, and CB Zoning Districts, subject to a special use permit issued by the Planning Board and an STR permit. No STR use may occur on a vacant parcel. Only one STR per parcel shall be permitted.

D. Density. Where the parcel is located, unless they are preexisting nonconforming structures, new short-term rental units shall meet density and setback requirements for the zoning district.

E. Prohibitions. The following parcels shall be prohibited from being issued permits to operate short-term transient rentals.

- (1) Parcels utilized for multifamily dwelling units
- (2) Parcels utilized for commercial or industrial purposes.
- (3) Vacant property which does not contain a residential dwelling unit.

F. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESS — The place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property, structure, or use.

CAMPING — The use of a property as a site for sleeping outside; or the parking of travel trailers or

similar equipment, the erection of tents or other shelters, to serve as temporary residences.

DENSITY — The number of individual dwelling units per unit of land.

DWELLING UNIT — A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

EXISTING SHORT-TERM TRANSIENT RENTAL — A short-term transient rental, as defined herein, which is lawfully in operation as of December 31, 2022.

HOUSE RULES — A set of rules that applies to renters of STRs while occupying the unit.

LOCAL MANAGER — The person specifically named on the application and permit that is responsible for the day-to-day operation of the STR, and who may be contacted, day or night, if there is a problem at the STR. The local manager may be either the owner or an agent of the owner. The local manager must reside within 30 miles of the Town of Lloyd Town Hall.

NEW OPERATING SHORT-TERM TRANSIENT RENTAL — A short-term transient rental not in operation prior to December 31, 2022.

NON-OWNER-OCCUPIED — An STR unit that does not qualify as owner-occupied.

OWNER-OCCUPIED — An STR unit that is the primary residence of the owner for at least 180 days in the calendar year, or the owner is present in the dwelling or is present on the same parcel while the residence is being used as a short-term rental.

PRIMARY RESIDENCE — A person's domicile where they usually live in the Town of Lloyd, whether on a full-time or part-time basis for at least 180 days in the calendar year, typically a house including any habitable accessory structures on the same property.

RENTAL — An agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

RENTED IN PART — An STR in a primary residence, as defined above, that is being occupied in part by the owner and in part by STR guest(s), simultaneously.

RENTED IN WHOLE — An STR in a dwelling unit that is being occupied entirely by STR guests for the rental duration.

SECONDARY DWELLING UNIT (SDU) — An attached or detached secondary residential dwelling unit that shares the building lot of a larger, primary home, including having separate cooking and sanitary facilities.

SHORT-TERM TRANSIENT RENTAL (STR) — The use of a parcel for the rental or lease of any or part of any residential use single-family and two-family dwelling unit, for a period of less than 30 days. The STR may occur within an entire dwelling, in rooms within a dwelling, or in a separate attached or detached dwelling unit or units on the parcel, but shall not include camping. Motels, hotels, resorts, inns, and bed-and-breakfasts, as defined in this chapter, are excluded from this definition.

SHORT-TERM TRANSIENT RENTAL UNIT — Dwelling units or rooms used as STRs.

SLEEPING ROOM — An interior room other than a bedroom, as defined under the New York State Uniform Fire Prevention and Building Code, that may serve to afford sleep to a person, however,

sleep shall not be the primary function of the room. Examples include, but are not limited to, a living room, family room, den or great room which may be furnished with a futon, convertible couch, or other sleeping surface. All sleeping rooms shall meet New York State Uniform Fire Prevention and Building Code mandates for bedrooms (i.e., size, ceiling height, access, egress, lighting and ventilation, electrical outlets, heat, and smoke and carbon monoxide alarms).

VACANT PARCEL — A parcel of land which does not contain a residential dwelling unit.

G. Applicable law.

- (1) All property owners desiring to operate an STR must comply with the regulations of this section. However, nothing in this section shall alter, affect, or supersede any regulations or requirements of the Town of Lloyd Zoning Code, any regulations or requirements imposed by the County of Ulster, or any state or federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements. Any conflict between this section and any other regulations or requirements of the Town of Lloyd Code shall be resolved in favor of the more stringent of such regulations or requirements.
- (2) Except as temporarily provided herein for existing STRs, no operation of an STR unit shall occur except pursuant to a valid special use permit issued by the Town of Lloyd Planning Board and an STR permit issued by the Building Department. Such STR permits shall be valid for a two-year period, subject to annual fire and safety inspection.

H. Ownership of properties.

- (1) Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited-liability partnership, or a limited-liability company. No property owned by a corporation or other business entity shall qualify for a permit.
- (2) A general partnership, limited-liability partnership or a limited-liability company must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided to the Building Department within 30 days of change.
- (3) No owner entity composed of similar individuals, partners and/or members may hold permits for more than two properties at any given time, one owner-occupied and one non-owner-occupied STR in order to allow equitable distribution of short-term rental special use permits. Only one permit per property is allowed at one time.

I. Designation of STR properties. All short-term transient rentals shall be designated as owner-occupied, or non-owner-occupied, as defined herein.

J. Ulster County hotel and motel occupancy tax. All short-term transient rentals shall comply with the Ulster County hotel and motel room occupancy tax.

K. Application of law to existing short-term rentals.

- (1) Property owners who operate an existing STR as of the effective date of this section shall have 90 days from such date to apply for a special use permit from the Planning Board.
- (2) Continued operation of an existing STR may occur so long as an application for a special use permit is diligently pursued and until such time as a special use permit is issued or denied by the Planning Board and an STR permit is issued by the Building Department.
- (3) To qualify as an existing STR, within 90 days of the effective date of this section, a property owner shall produce documentation of compliance with Subsection K(3)(a), (b), and (c) below.

Any property owners who fail to produce such documentation shall not qualify as an existing STR and shall cease operation of such STR until a special use permit and an STR permit is obtained. If the property is in a zoning district where STRs are not allowed, a use variance will be required before a special use permit may be sought. To be an existing STR, property owners must:

- (a) Provide an Ulster County Department of Finance Certificate of Authority dated prior to December 31, 2022;
 - (b) Provide proof of operation as an STR between December 31, 2021, and December 31, 2022; and
 - (c) Have submitted a complete application and be subject to Subsection T, special use permit regulations and an annual fire and safety inspection.
- (4) In zoning districts where STRs are not an allowed use, qualifying, preexisting STRs shall be allowed to operate, subject to a special use permit approved by the Planning Board, biennial application renewal and an annual fire and safety inspection, pursuant to the limitations for nonconforming uses provided in Zoning Code § 100-17.
- L. Fee. A nonrefundable STR permit application fee and inspection fee shall be established by resolution of the Town Board for each dwelling unit that functions as or contains a short-term transient rental unit. Such permit fee shall be submitted with each new application and each biennial renewal application. A separate fee shall be submitted for an annual fire safety inspection of each permitted STR.
- M. The Town Board may set a maximum number (cap) of short-term rental permits allowed during any given period in order to protect the health, safety and welfare of the citizens in the Town.. The cap is 2% of the total number of dwelling units in the Town and may be amended at any time by the Town Board.
- N. Application forms. Application forms for an STR permit shall be developed by the Building Department.
- O. Applicants for an STR permit must file a separate application and tender a separate application fee and obtain a separate permit and inspection for each dwelling unit which contains or functions as a short-term transient rental.
- P. Application process. The initial application to operate a short-term transient rental shall be submitted to the Planning Board for a special use permit. Notification of the application shall be sent to neighbors within 200 feet of the property by the Building Department upon permit application.
- (1) The application shall include the following, in addition to any other information required for a special use permit application:
 - (a) Contact information. The names, addresses, email address(es) and day/night telephone numbers of the property owners and local managers.
 - (b) Designation of the STR as owner-occupied or non-owner-occupied, as defined herein.
 - (c) Designation of the STR as rented in part and/or rented in whole, as defined herein.
 - (d) Hosting platform information. The applicant shall provide the names and URLs for all hosting platforms or other advertising platforms, such as but not limited to AirBnB, VRBO or other hosting websites; and Facebook, Instagram, or other social media postings used

by the applicant for advertisement of the short-term transient rental unit. Any changes or additions to the listed hosting/advertising platform shall be reported on the applicant's renewal permit.

- (e) **Parking.** The number of off-street parking spaces to be provided shall be stated on the application. Off-street parking shall be provided to accommodate the occupancy of the short-term transient rental unit, one parking space for each sleeping room in the dwelling plus other parking as required by § 100-29. Vehicles shall not be parked on front lawns. There shall be no on-street parking allowed. No parking shall be allowed outside of the parking spots designated and detailed on the permit.
- (f) **Maximum occupancy.** The maximum desired occupancy by the operator shall be stated on the application. The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants based on the number, size, configuration, and furnishings of the bedrooms, and per the provisions of New York State Uniform Fire Prevention and Building Code.
- (g) **Water and septic.** The source of the water supply shall be stated on the application and the permit. The septic system shall be functioning, and the type, size, and location of the septic system shall also be stated on the application. New permit applications shall require documentation as determined acceptable to the Planning Board, indicating that the septic system is found to be currently working properly and is adequate for the short-term transient rental maximum occupancy.
- (h) **Fire safety.** Documentation of location and existence of fire safety devices in compliance with New York State Uniform Fire Prevention and Building Code.
- (i) **Description.** State the occupancy of each bedroom and sleeping room, and the methods of ingress and egress (examples: doors and windows) shall be included with the application. No kitchen shall be occupied for sleeping purposes. No other room than a listed bedroom shall be occupied for sleeping purposes.
- (j) **Plat.** The applicant shall submit an aerial plat of the property showing approximate property boundaries and existing features, including buildings, structures, well, septic system, parking spaces, firepits/outdoor fireplaces, driveways, streets, streams and other water bodies, and neighboring buildings within 100 feet of the short-term transient rental unit. This does not need to be a survey.
- (k) **Garbage removal.** The applicant shall state how garbage is to be removed from the property. The applicant is responsible for all refuse and garbage removal. The applicant shall be responsible for either: a) contracting with a refuse company; or b) the owner or property manager shall remove garbage on a weekly basis. If there is a dumpster located on the property, the location of the dumpster shall be depicted on the plat submitted with the application.
- (l) **House rules.** The applicant shall submit a copy of the house rules. (See below Subsection U for required house rules.)
- (m) **Jurisdiction.** If a property owner does not reside within 30 miles of the Town of Lloyd Town Hall, then they must designate the local manager as an agent.
- (n) A copy of the Ulster County Commissioner of Finance Certificate of Authority.

Q. Inspections.

- (1) Annually and prior to the initial rental as an STR, each approved STR shall be inspected by the Code Enforcement Officer or Fire Inspector to determine compliance with New York State Uniform Fire Prevention and Building Code. Inspections shall be done for the initial permitting and annually, thereafter.
- (2) All STR units must comply with New York State Building Code requirements and shall have no open violations. No initial or renewal permit shall be issued without compliance with the elements of the submitted application.
- (3) The entire property involving an STR must be inspected. This includes all owner-occupied spaces in buildings where an STR unit is located. Those owner-occupied spaces shall be in compliance with the Property Maintenance Code of New York State related to interior and exterior spaces and fire safety.

R. Application review. Upon receipt of the application and fee, the Planning Board shall determine if the applicant has complied with all the requirements of this section, the Zoning Code, as well as any applicable federal, state, county, or local laws. If the applicant has fully complied, then the Planning Board may issue the property owner a special use permit for an STR. Based on the approval of such special use permit, the Building Department may issue a renewable STR permit so long as initial fire safety and property maintenance inspections have been completed and approved and all fees are paid. No STR permit shall be issued until inspection is completed by the Building Department.

S. Renewal permits. Property owners with STR permits shall submit to the Town of Lloyd Building Department a biennial renewal permit application with any changes to the original STR permit, together with such additional documentation as determined by the Code Enforcement Officer, all of which will be on forms prescribed by the Building Department, along with the current renewal application fee. Renewal applications shall be subject to the cap as determined by the Town Board and will be processed on a first-come-first-served basis. Permit holders shall be able to apply for renewal permits beginning October 1 through December 1. The Code Enforcement Officer may deny a renewal application based on noncompliance of the regulations contained in this section or upon failure of the annual fire safety inspection in any aspect of that inspection. An applicant may appeal the denial to the Zoning Board of Appeals.

T. General permit regulations.

- (1) STR permits shall be valid for two years.
- (2) An STR permit in any given year will expire on December 31, except an initial permit approved after September 1 of a calendar year shall be allowed to run through December 31 of the second year of the permit. All renewal permits shall run from January 1 to December 31 of the second calendar year after issuance.
- (3) The Town of Lloyd Town Board reserves the right to set a cap for the maximum number of STR permits to be issued by the Building Department in order to ensure the equitable distribution of STR permits and to protect the public's health, safety and welfare. The Town Board may set a maximum number (cap) of short-term rental permits allowed during any given period in order to protect the health, safety and welfare of the citizens in the Town. The cap is 2% of the total number of dwelling units in the Town and may be amended at any time by the Town Board.
- (4) Copies of the STR permit must be displayed in the dwelling unit in a place where it is easily

visible to the occupants.

STR permits may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities, or properties.

- (5) All short-term rental properties shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency contact information. Such information shall include, but not be limited to, the name, address, email, and phone numbers of the building owner, if local, or of a local manager and instructions on dialing 911 for emergency/fire/ambulance assistance. A local manager shall be able to respond in person within one hour.
- (6) Exterior advertising signs are prohibited except an STR may have one nonilluminated accessory use freestanding or wall sign not to exceed four square feet in area to identify the STR and shall include a house number for identification.
- (7) No camping shall be allowed on properties with STR permits.

U. House rules.

- (1) All short-term rental properties shall post for renters of each dwelling unit or rooms a listing of house rules. House rules shall incorporate, but not be limited to, the following:
 - (a) An emergency exit egress plan.
 - (b) The location of fire extinguishers.
 - (c) Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.
 - (d) Identify the procedures for disposal of refuse/garbage.
 - (e) If allowed by the property owner, specify outdoor fires shall be made solely within a fireplace or fire pit in accordance with all New York State burning regulations.
 - (f) If allowed by the property owner, instructions for fires in fireplaces or wood stoves. If not allowed by the property owner, a statement stating as such.
 - (g) Short-term transient rentals shall not be permitted to be used for any commercial use or commercial event space.
 - (h) No outdoor camping shall be allowed.
 - (i) Parking shall be allowed solely in the designated parking spaces.
 - (j) If the property has a pool, hot tub or other swimming or bathing appurtenance (hereafter: "pool"), a clear list of requirements related to use of the pool, including explanation of the use of the required barrier, barrier latches, alarms, electrical disconnect, etc. Further, the property owner will place a sign in each location leading to the pool that the property requires a "water watcher": a responsible adult to supervise the pool while it is in use and to be responsible for assuring that the barrier requirements are in place at all times.
 - (k) Noise should be kept to a reasonable level. Unreasonably loud, disturbing and unnecessary noise should not occur after 8:00 p.m. nor before 7:00 a.m. during weekdays, and not between 8:00 p.m. and not before 9:00 a.m. on Sundays or any holiday.

V. Complaints.

- (1) Complaints regarding the operation of an STR shall be in writing to the Code Enforcement Officer.
- (2) Noise complaints should be made to the Town of Lloyd Police Department.
- (3) Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation, and upon finding to his/her satisfaction that a violation was or is currently occurring, he/she shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer in accordance with Zoning Code § 100-54. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
- (4) Notices required by this section shall be issued by the Code Enforcement Officer in accordance with Zoning Code § 100-54.
- (5) No renewal permit shall be issued until a notice of violation issued by the Code Enforcement Officer is resolved.
- (6) If the landowner does not comply with the specified corrective action by the date given by the Code Enforcement Officer, the Code Enforcement Officer may revoke the STR permit. This determination shall be reviewable by the Zoning Board of Appeals after a public hearing.