

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 QUEENSBURY

Local Law No. 8 of the year 20²²

A local law A LOCAL LAW TO AMEND QUEENSBURY TOWN CODE CHAPTER 115
(Insert Title)
ENTITLED "SHORT TERM RENTALS"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of QUEENSBURY as follows:

Section 1. Intent; Authority – This Local Law is adopted pursuant to New York Municipal Home Rule Law.

Section 3. Amendment – Chapter 115 of the Queensbury Town Code, entitled “ Short-Term Rentals ” is hereby amended to read as follows:

Chapter 115. Short-Term Rentals

§ 115-1. Purpose and intent; authority.

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town. The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income to Town residents. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This Chapter is adopted pursuant to New York Municipal Home Rule Law.

§ 115-2. Definitions.

As used in this Chapter, the following words shall have the meanings indicated:

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

DWELLING UNIT

One or more rooms designed, occupied or intended for occupancy as separate living quarters, with provision for living, cooking, sanitary and sleeping facilities provided for the exclusive use of one family or household.

RENTAL

Granting use or possession of a dwelling unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL

A dwelling unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, campground or bed-and-breakfast as defined in Town Code Chapter 179-2-010 (C).

SHORT-TERM RENTAL OWNER

All entities having an ownership interest in a dwelling unit which is used as a short-term rental.

SHORT-TERM RENTAL PROPERTY

The entire area which is under the ownership or control of the short-term rental owner, including, as applicable, the parcel of land on which a short-term rental is located, together with the dwelling in which it is located and any other structures on the parcel.

§ 115-3. Short-term rental standards.

Short-term rentals shall comply with the following standards and requirements:

- A. There shall be one functioning smoke detector in each sleeping room, one functioning smoke detector and a carbon monoxide detector in another centrally located room and one functioning and inspected fire extinguisher in the kitchen. Detectors must be in compliance with New York State Property Maintenance Code.

- B. All exterior doors shall be operational, and passageways to such doors shall be freely accessible and unobstructed.
- C. Electrical systems shall be serviceable with no visible defects or unsafe conditions.
- D. All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed. If installed, all fireplaces, fireplace inserts or other types of fuel-burning heaters (excluding furnaces) shall have proper, written, safe operating instructions provided to any party renting the short-term rental.
- E. Each sleeping room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue window which meets the current state and Town building codes requirements for an escape window.
- F. The number of vehicles permitted overnight at the short-term rental property is limited to 1 vehicle per bedroom. The number of bedrooms set forth in the Town of Queensbury's assessment records shall be used for purposes of this section. Overnight on-street parking is not allowed. Available parking spaces (one space per car) shall limit parking to such number of spaces. On-street day parking shall not impede local residents or public free entrance and exit to the neighborhood.
- G. Short-term rental owners shall establish written rules and regulations for the short-term rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety and general welfare by promoting a clean, wholesome and attractive environment for the owner's property, adjacent property owners and the neighborhood. This document shall also list the penalties for violation of such rules or regulations. The rules will specifically address the penalties contained in this Chapter; see § 115-5. The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request from law enforcement officers or Town Buildings and Codes personnel. The rules and regulations shall be enforced by the short-term rental owner. As a minimum, the rules and regulations

shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, unreasonable noise, abusive or obscene language or gestures in public. Quiet hours for the purpose of this Chapter shall mean between the hours of 10:00 p.m. and 8:00 a.m. and shall be maintained by all rental occupants and visitors at the rental property.

- H. Provisions shall be made by the short-term rental owner prior to actual rental for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spillage and odors, and be placed where they are not clearly visible from the street or road except as required for pickup times.
- I. A house number visible from the street or road shall be maintained.
- J. Short-term rentals shall comply with all local, state and federal laws and regulations.
- K. The maximum occupancy for each short-term rental shall be two people per bedroom plus two. For example, a short-term rental with three bedrooms is allowed eight occupants. The number of bedrooms is determined by the RPS database maintained by the Town Assessor's office.

§115-4. Short-Term Rental Limitations

- A. From May 15th through September 15th of each year, a Short-Term Rental shall not be rented for a period of less than five consecutive days to any person or entity. This limitation shall not apply where the short-term rental property or an immediately adjacent property is the principal residence of the short-term rental owner.
- B. A short-term rental property shall not be rented for short-term rental purposes for more than 120 days in total per calendar year. This limitation shall not apply where the short-term rental property or an immediately adjacent property is the principal residence of the short-term rental owner.
- C. The Limitations set forth in this Section 115-4 shall be effective beginning on January 1,

2023.

§ 115-5. Contact person.

The short-term rental owner must provide all owners of property within 100 feet of property lines of the short-term rental with the name, address and telephone number of a contact person or entity. Such contact person or entity must be able to address any complaint received regarding the short-term rental site within one hour of receiving the complaint. The contact person or entity must document all complaints and responses and submit them to the Town within 24 hours. A copy of the contact person or entity name, address and phone number shall be maintained on the property and made immediately available upon request from law enforcement officers or Town Buildings and Codes personnel.

§ 115-6. Enforcement and penalties.

Any individual, partnership, corporation or other firm owning, operating, occupying or maintaining short-term rental property or a short-term rental shall comply with all the provisions of this Chapter and all orders, notices, rules, regulations or determinations issued in connection therewith.

- A. The Director of Building and Codes Enforcement or designee shall be granted access upon reasonable request to the short-term rental property for the purpose of inspection and/or enforcement of compliance with short-term rental regulations and/or Town and State building codes.
- B. Whenever it is found that there has been a violation of this Chapter or any rule or regulation adopted pursuant to this Chapter, a violation notice and/or appearance ticket or summons and complaint may be issued to the person, individual, partnership or corporation owning, operating, occupying or maintaining the short-term rental or short-term rental property in which such violation has been noted.
- C. The Director of Building and Codes Enforcement or designee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and

complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Chapter.

- D. Penalties. Any person who shall violate any provision of this Chapter, any order made hereunder, or any rules or regulations adopted pursuant to this Chapter in addition to other penalties provided for in this Chapter and/or the owner of any property at which a such violation occurs shall be guilty of an offense punishable in the following manner: a fine of not more than \$950 for each offense. Any person who shall violate any provision of this Chapter, any order made hereunder, or any rules or regulations adopted pursuant to this Chapter in addition to other penalties provided for in this Chapter and/or the owner of any property at which a such violation occurs shall be liable for civil penalties of not more than \$950 for each violation.
- E. A civil action or proceeding in the name of the Town of Queensbury, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Chapter or any rule or regulation adopted pursuant hereto and to seek monetary penalties. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.
- F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Chapter, or in any other applicable law. Any remedy or penalty specified in this Chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Chapter. The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint or if the Director of Building and Codes determines that a violation has occurred.

§ 115-7. Severability.

The invalidity of any clause, sentence, paragraph or provision of this Chapter shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 4. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

Section 5. Effective Date – This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

(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. 8 of 2022 of the ~~(County)(City)(Town)(Village)~~ of QUEENSBURY was duly passed by the TOWN BOARD on JUNE 27 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.)

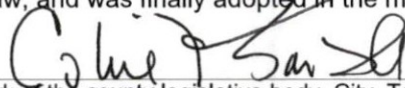
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

Date: 6-29-2022

