

TOWN OF ROTTERDAM

Diane M. Marco
Town Clerk



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
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May 30, 2024

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 11-2024 To Adopt Chapter 271 Hotel Regulations

To Whom It May Concern:

Enclosed are forms required to file Local Law 11-2024, adopted by the Town Board of the Town of Rotterdam meeting held on May 22, 2024.

If you are in need of anything else please feel free to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diane M. Marco', written in a cursive style.

Diane M. Marco
Town Clerk

Enclosure

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, May 22, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 227.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 11 OF 2024; TO ADOPT CHAPTER 271 ENTITLED HOTEL USE REGULATIONS

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 11 of 2024.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective May 22, 2024.

DATED: May 22, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on May 22, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 28, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



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 Rotterdam _____

Local Law No. 11 of the year 20²⁴

A local law TO ADOPT CHAPTER 271 ENTITLED HOTEL USE REGULATIONS
(Insert Title)

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

County City Town Village
(Select one.)

of Rotterdam _____ as follows:

See attached

(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. 11 of 2024 of the ~~(County)~~(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on May 22 2024, 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*)*

* 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.

Proposed New Chapter 271 – Hotel Use Regulations

Article I - **Hotel Occupancy**

S271-1 – **Purpose**

It is the purpose of this article to promote the health, safety, and general welfare of guests of transient lodging providers located within the Town of Rotterdam, and to ensure the continued availability of safe, sanitary, and code-compliant transient lodging within the Town.

S271-2 – **Definitions**

Extended Stay Unit – a hotel or motel unit with accommodations for sleeping which contains a kitchenette.

S271-3 – **Occupancy Limits**

- A. Occupancy of any hotel/motel, bed-and-breakfast, inn, or boardinghouse by any individual shall be limited to no more than twenty-eight (28) consecutive days unless such hotel/motel, bed-and-breakfast, inn, or boardinghouse has an attached restaurant; provided that such occupancy shall be allowed for more than twenty-eight (28) days within an extended stay unit (as defined in S271-2), which complies with all applicable New York State and Town of Rotterdam codes.
- B. Occupancy of any hotel/motel, bed-and-breakfast, inn, or boardinghouse by any individual shall be limited to no more than sixty (60) days in any one hundred eighty (180) day period, except that such occupancy shall be allowed within an extended stay unit.
- C. Re-registering any guest or any person sharing or staying in the same room as a guest in the same or a different room in the same hotel/motel, bed-and-breakfast, inn, or boardinghouse or in a hotel/motel, bed-and-breakfast, inn, or boardinghouse owned and operated by the same entity or an entity with any of the same member having an interest of 5% or more shall be considered a single occupancy for the purpose of these limits.
- D. The occupancy limitations set forth in S271-A shall not apply if an individual provides photo identification as required by S271-4 that shows that the individual has a permanent place of residence other than the hotel/motel, bed-and-breakfast, inn, or boardinghouse at which the individual is registering. The owner or operator of any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall photocopy the identification required by S271-4 and shall keep such record for a minimum of one year. This record must be available for inspection by member of the Town of Rotterdam Police Department and or Building/Code Enforcement Department, or any of them or their designees, who shall have the authority to inspect the records from time to time, without prior notice.
- E. No person or entity owning, leasing, or operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall charge or accept money or other consideration by an hourly rate or any increment less than one full day's room rental.

- F. In extraordinary circumstances, a person or entity owning, leasing, operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse, together with the occupant at issue, may apply to the Town Board of Rotterdam in writing, by submitting a written request to the Town Clerk of Rotterdam, for an extension of the twenty-eight (28) day limitation period upon a showing by clear and convincing evidence that a time extension is required for humanitarian reasons. The application must show not only that an extraordinary circumstance exists by clear and convincing evidence, but also must show all steps that have been taken to find the occupant suitable permanent housing elsewhere.

S271-4 – Photo Identification Required

Every hotel/motel, bed-and-breakfast, inn, or boardinghouse must require all adult guests to produce government-issued photo identification at the front desk immediately upon arrival.

S271-5 – Age Restrictions

Any individual occupying any hotel/motel, bed-and-breakfast, inn, or boardinghouse for any length of time must be at least 18 years of age, unless accompanied by a parent or legal guardian. However, a hotel/motel, bed-and-breakfast, inn, or boardinghouse may rent, lease or sign a contract for the use of the unit, room, or suite to a person under the age of 18 if the individual is part of a school group, sports or extracurricular team, convention, corporate meeting, pageant or other similar major contracted booking at the hotel/motel, bed-and-breakfast, inn, or boardinghouse and a copy of the contract is on file at the establishment available for inspection by the members of the Town of Rotterdam Police Department and Building/Code Enforcement Department, or any of them or their designees.

S271-6 – Keeping and Inspection of Register

Every hotel/motel, bed-and-breakfast, inn, or boardinghouse shall keep for a period of one year a register which shall show the name, residence, date of arrival and departure of all persons provided with lodging at the premises. This register must be available for inspection by the members of the Town of Rotterdam Police Department and Building/Code Enforcement Department, or any of them or their designees, who shall have the authority to inspect the register from time to time, without prior notice.

S271-7 – Sanitary Conditions; General Maintenance

- A. Bathroom and water closet facilities are required.
- a. Bathroom or bathrooms, which affords privacy to a person inside said room; contains a bathtub or shower, wash basin and flush water closet; and complies with such other requirements as are set forth elsewhere in the Code of the Town of Rotterdam shall be supplied for each six (6) persons or fraction thereof residing within a hotel/motel, bed-and-breakfast, inn, or boardinghouse.
 - b. All such facilities shall be located within the dwelling as to be directly accessible from a common hall or passageway which is either on the same floor as, or is one (1) floor

above or below, all rooming units it is designed to serve and which hallway is directly accessible to the occupants of all such rooming units without passing through any part of any other rooming unit or dwelling unit.

- c. All bathrooms and water closet compartments shall be provided with inside locks.
- B. Bedding, bed linen, towels and soap are required. Every person or entity owning, leasing, or operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall provide for all occupants' bedding, mattresses, mattress covers, bed linens, blankets, pillows, towels, and soap. All such items shall be kept in clean and sanitary condition at all times. Fresh, clean bed linens and towels shall be supplied for each new occupant at the commencement of the term of occupancy and fresh, clean bed linens and towels shall be supplied at least once a week. Unless laundry service is provided for all occupants, a laundry tub or washing machine shall be accessible to and available for use by all occupants.
- C. All furniture and furnishings shall be maintained in safe and sound condition, in good repair, and upholstery and coverings shall be kept clean and free of rips and tears. Windows shall be provided, where necessary, with blinds, drapes, curtains, or shades to provide occupants with privacy.
- D. There shall be present and in charge of every hotel/motel, bed-and-breakfast, inn, or boardinghouse subject to licensing a person who is mentally and physically competent to maintain the same in safe and sanitary condition, who shall keep the exterior of the premises and all common interior areas, including but not limited to the landings, stairways, hallways, and bathrooms, clean free from garbage and other refuse and free of infestation and who shall attend to the daily removal of garbage.

S271-8 – Infestation

- A. All grounds, buildings and structures of any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted practices of the industry and shall be in accordance with the manufacturer's specifications.
- B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately rodent proofed with wire or other suitable materials.
- C. The exterior of every structure of any hotel/motel, bed-and-breakfast, inn, or boardinghouse used for human habitation shall be so maintained as to be vermin and rodent free. Where rodent or vermin problems exist, all exterior windows, doors and other opening two feet above ground level shall be screened or protected with acceptable wire mesh or other suitable materials. Defects, cracks, or holes shall be tightly sealed to prevent the entrance of insects, vermin, and rodents.
- D. When a pest, bedbug, or other insect or rodent infestation, as defined in Section 308 of the New York State Property Maintenance Code, has been identified in a hotel/motel, bed-and-breakfast, inn, or boardinghouse by the Building/Code Enforcement Department after a

routine inspection by such Department, or inspection after the Department receives a complaint of an infestation, the Department shall contact the premises owner and require the owner to provide proof of extermination/pest control services. When determined by a professional exterminator, the dwelling units in direct proximity to the affected unit and common areas shall also be treated if evidence of infestation in these areas is found. The person or entity owning such hotel/motel, bed-and-breakfast, inn, or boardinghouse shall provide a copy of any report for the services rendered to the Building/Code Enforcement Department.

S271-9 – Penalties for Offenses

- A. A violation of this article shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, or 15 days in jail, or both, except that where the owner, lessor, operator, or agent was found to have violated this article within the preceding five years, the fine may not be more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.
- B. Town of Rotterdam Police Department and Building/Code Enforcement Department are authorized to issue appearance tickets for any violation of this section, and shall be primarily responsible for the enforcement of these provisions.

S271-10 – Severability

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

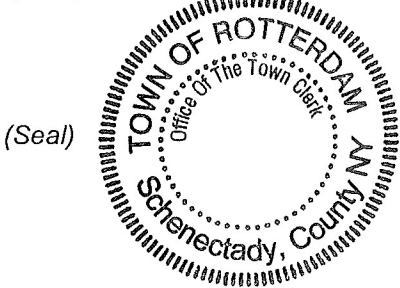
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



[Handwritten Signature]

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

Date: 8/31/2014