

**TOWN OF STONY POINT**

**LOCAL LAW NO. 2 OF 2021**

**A LOCAL LAW AMENDING TOWN CODE CHAPTER 215 – ZONING  
PROHIBITING SHORT-TERM RENTALS OF RESIDENTIAL DWELLINGS**

**BE IT ENACTED** by the Town Board of the Town of Stony Point, Rockland County, New York (“Town Board”) as follows:

**Section 1.** Authority

This local law is adopted pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

**Section 2.** Title, Intent and Purpose.

This local law shall be known and cited as “a Local Law amending Chapter 215 to add Article XXIII Regulating Short-Term Rentals.”

The intent of this local law to amend Chapter 215 of the Town Code of the Town of Stony Point is to advance the public health, safety, and welfare of the Town of Stony Point, its residents, and visitors. The purpose of this local law is to prevent unregulated tourist or transient-oriented uses within all permitted and pre-existing nonconforming single-family, two-family, and multi-family dwellings and in residential districts and traditional residential neighborhoods to protect and ensure the safety of the Town’s current and future residents and visitors to the Town as well as 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.

**Section 3.** Amendment

**Chapter 215 shall be hereby amended to add the following:**

**Article XXIII Prohibition on Short-Term Rentals of Residential Dwellings**

**§ 215-146 Purpose.**

It is the purpose of this zoning district to advance the public health, safety, and welfare of the Town of Stony Point, its residents, and visitors. The purpose of this local law is to prevent unregulated tourist or transient-oriented uses within all permitted and pre-existing nonconforming single-family, two-family, and multi-family dwellings and in residential districts and traditional residential neighborhoods to protect and ensure the safety of the Town’s current and future residents and visitors to the Town as well as 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.

**§ 215-147 Definitions.**

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

**IMMEDIATE FAMILY MEMBER**

Any parent, grandparent, child, grandchild, sibling, spouse, domestic, and any other immediate relative by blood, marriage, or adoption (i.e., cousin, niece, nephew, aunt, uncle, in-law, and step-child).

**LIVING ACCOMMODATION**

A dwelling or premise or portion thereof with a bed or beds and bathroom facilities for the use of the person or persons occupying the dwelling premises, or portions thereof.

**MONETARY COMPENSATION**

Cash, check, money order, credit card, bitcoin, barter, or other valuable consideration.

**OCCUPANT**

A person, other than the premises owner of record filed in the Rockland County Clerk's Office or an immediate family member of the premises owner, occupying living accommodations with the premises owner's express or implied consent.

**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, including the Internet, the availability for rental or similar use of any living accommodations, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

**PERSON**

Any individual, partnership, corporation, joint limited liability company, limited liability company, trust or other entity, stock association, and includes any trustee, receiver, assignee, or personal representative thereof, including but not limited to any booking or reservation service, lawful lessees, and premises owners.

**PREMISES**

Immovable property owned or leased by the premises owner or lawful lessee, as applicable.

**PREMISES OWNER**

A person having lawful ownership title or interest to the premises or an immediate family member of said person.

## **SHORT-TERM RENTAL**

A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 29 consecutive nights. "Rental" means an agreement, written or oral, granting use or possession of a residence, in whole or in part, to a person in exchange for monetary compensation. "Short-term rental" shall also mean 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 residential dwelling unit.

## **MULTIPLE DWELLING**

A dwelling which is either rented, leased, let or hired out, to be occupied or is occupied as the permanent residence or home of three or more families living independently of each other and is occupied for permanent residence purposes. "Multiple dwelling" shall include "apartment" dwellings.

## **APARTMENT**

That part of a multiple dwelling consisting of one or more rooms containing at least one bathroom and arranged to be occupied by the members of a family, which room or rooms are separated and set apart from all other rooms within a multiple dwelling.

## **TRANSIENT**

A rental period of 29 nights or less.

## **§215-148 Short-term rentals prohibited.**

- A. It shall be unlawful for any person in any residentially zoned district within the Town to rent or license, or offer to rent or license, any living accommodations for monetary compensation or other valuable consideration for a period of less than 29 consecutive nights if the living accommodations are not lawfully licensed or permitted for such use under the Town Zoning Code.
- B. No occupant, visitor, or other may use, reside, dwell, or otherwise remain in any living accommodations for a period of less than 29 consecutive nights in exchange for monetary compensation or other valuable consideration.
- C. Any provision of a lease or rental agreement purporting to waive any provision of this Section is unlawful.
- D. Nothing in this Section shall be construed as invalidating or impairing the operation of, or the right of a landlord to restrict occupancy in order to comply with federal, state or local laws, regulations, ordinances, or codes.
- E. A person or entity (including a principal of any entity) who rents property from a premises owner or lawful lessee who is in violation of this Section shall be deemed to be an accessory to the offense provided herein.
- F. Any person who shall violate any provision of this Section shall first receive a warning of said violation from the Building Inspector. Each violation issued thereafter shall be subject to the penalties set forth in Section 215-99, titled "Penalties for offenses."
- G. In addition to the criminal penalties contained herein, it shall be the right of the Town to seek injunctive relief in any civil court having jurisdiction over this matter to prevent any violation or violations of this Section.

**§215-149 Applicability.**

- A. The prohibition on short-term rentals shall apply to all single-family, two-family, and multiple-family residential dwellings within the Town.
- B. The prohibition on short-term rentals shall not apply to a commercial hotel/motel business or bed-and-breakfast establishment operating exclusively as such and which is lawfully licensed or permitted for such use pursuant to the Town Zoning Code and regulated by applicable state, county and local law or ordinance.
- C. The prohibition on short-term rentals shall not preclude the creation of a mortgage, lien, easement or other similar interest that encumbers a residential property as a whole to secure a loan or for any other legitimate purpose.

**§ 215-150 Authority.**

This local law is adopted pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

**Section 4.** State Environmental Quality Review Act.

Pursuant to 6 N.Y.C.R.R. 617.4(b)(2) this local law is classified as a Type I action.

**Section 5.** Severability.

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

**Section 6.** Repeal, Amendment, and Supersession of Other Laws.

All other resolutions, ordinances, or local laws of the Town of Stony Point, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

**Section 7.** Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.