

**TOWN OF MAMAKATING
INTRODUCTORY LOCAL LAW
REGULATION OF SHORT-TERM RENTALS**

Section 1. The Code of the Town of Mamakating is amended by adding a new chapter, designated as Chapter 157, titled “Regulation of Short-Term Rentals,” to read as follows:

§157-1. Definitions.

For the purpose of this Chapter, the following terms shall have the meanings ascribed to them. When not inconsistent with the context, the present tense shall include the future and words used in the plural shall include the singular and vice versa.

Lodger – Any person who occupies a Short-Term Rental or any part thereof while it is being utilized as a Short-Term Rental in exchange for consideration, monetary or otherwise.

Short-Term Rental – Short-Term Rentals shall include Short-Term Campground Rentals, Farm Vacation Campground Rentals, and Short-Term Dwelling Rentals Type 1 and Type 2 as defined herein.

Short-Term Campground Rental – A form of short-term rental in which the units are portable structures, such as but not limited to a maximum of a combination five (5) tents, teepees, yurts, collapsible shelters, canopies and awnings designed exclusively and offered in exchange for consideration, monetary or otherwise, by owners, for overnight or stays of 30 consecutive nights or less. The only amenities provided are temporary restrooms and potable water for each site. Any proposed campground containing a total of more than five (5) of such portable structures shall be considered a Vacation Campground.

Short-Tent Agritourism – Farm Vacation Campground – A form of short-term rental located on the premises of an agricultural or farm operation or horticultural specialty property, as defined in Article 25-AA of the state Agriculture and Markets Law, for the purpose of lodging and of observing and participating in the ongoing activities of the agricultural operation and learning about agricultural life.

Short-Term Dwelling Rental – Any dwelling or accessory dwelling unit containing no more than four (4) bedrooms for rental, or part thereof, which is rented in exchange for consideration, monetary or otherwise, by owner(s) in exchange for temporary occupancy for a period of 30 consecutive nights or less, and is not currently permitted for rental lodgings. A Short-Term Dwelling Rental shall not include a Bed-and-Breakfast establishment (which is regulated by the Town Zoning Code).

Type-1 Hosted Short-Term Dwelling Rental – A Short-Term Dwelling Rental in a single-family dwelling that is occupied by the owner during the period which it is rented.

Type-2 Non-Hosted Short-Term Dwelling Rental – A Short-Term Dwelling Rental occupied by Lodger(s) in a single-family dwelling or accessory dwelling unit, with all or part of

the dwelling or accessory dwelling unit available to Lodger(s), and which is not the primary residence of the owner.

Short-Term Rental Certificate – A document issued by the Building Inspector which permits the use of a Single-Family Dwelling as a Type-1 Hosted or Type-2 Non-Hosted Short-Term Rental pursuant to the terms and conditions set forth therein.

Property Manager – A person or entity who is responsible for managing a Type-2 Non-Hosted Short-Term Rental, Short-Term Campground Rental or Short-Term Agritourism – Farm Vacation Campground. The Manager shall be accessible at all times to immediately deal with all matters regarding the property.

§157-2. Purpose, Objectives and Applicability. It is the intent of this Chapter to recognize the desire of some property owners to rent a portion of their property, dwelling or accessory dwelling unit, or part thereof, on a short-term basis and establish appropriate regulations for the use of such Short-Term Rentals in order to protect the public health, safety, and general welfare of the people of the Town and to further achieve the following beneficial purposes:

- (a) Preserving the agricultural and residential character of the Town;
- (b) Ensuring the safety, general welfare and health of persons occupying Short-Term Rentals and neighboring properties;
- (c) Mitigating risks to public safety and other potential detrimental impacts, including excessive noise, increased traffic, improper trash disposal, inadequate water supply and sewage disposal, and inadequate parking facilities;
- (d) Protecting property values throughout the Town.

§157-3. Applicability. This Chapter shall apply to all Short-Term Rentals on and after the effective date of this Chapter. In addition, all Short-Term Rentals operating on the effective date of this chapter shall submit a Short-Term Rental Registration Form and apply for a Short-Term Rental Use Permit no later than three (3) months after the effective date of this chapter. Failure to do so shall be a violation of this Chapter. All Short-Term Rentals shall comply with all applicable Town Code, Sullivan County, New York State, and Federal laws, rules and regulations.

§157-4 Permitted Number and Locations of Short-Term Rentals.

- (a) Short-Term Rentals shall be permitted, pursuant to and in compliance with the provisions of this Chapter, in areas designated by the following zoning districts:

- Ridge and Valley Protection Area (RVP)
- Mountain Greenbelt (MG)
- Residential Agricultural (RA)
- Burlingham Residential (BR)

Neighborhood Residential (NR)
Lake Neighborhood Residential (LN)
Hamlet Center (HC)
Village Adjacent Area (VA)

(b) No more than 120 Short-Term Rental certificates may be in effect at any time and no more than 15 Short-Term Rental certificates may be in effect within any one zoning district at any time.

§157-5. Short-Term Campground Rentals.

(a) Any tract of land provided for Short-Term Campground Rentals shall be a minimum of 10 acres in size with a maximum of one (1) portable structure per five (5) acres, and with no more than five (5) portable structures sites regardless of the size of the property.

(b) No new or currently existing Short-Term Campground shall be permitted without a site plan approval and use permit granted by the Planning Board. Such review and determination by the Planning Board shall be in accordance with the procedures and requirements pertaining to site plans and special use permits in Chapter 199 of the Town Code. This provision shall also apply to approved Short-Term Campgrounds proposing improvements to facilities, structures, circulation, or expansion of additional campsites, or when additional infrastructure or Department of Health requirements are mandated.

(c) Short-Term Campgrounds may be rented for a total of four calendar months within the May 1 to October 31 time frame. The property owner must select which four months within this time frame that rentals will occur, and each month of rental must be listed on the Short-Term Rental Certificate. The Short-Term Campground rental calendar will be maintained by the Building Department.

(d) All campsites shall be located at least 300 feet from adjoining properties and from the road.

(e) The owner or resident manager of a Short-Term Rental Campground must reside on the property or reside no more than 15 minutes away from the property.

(f) Recreational vehicles, travel trailers, cabins, mobile homes or similar structures or vehicles shall not be permitted. Only portable structures as defined herein are permitted.

(g) No permanent structures shall be permitted with the exception of tent platforms and cooking grills.

(h) Each camping site shall be a minimum of 1,500 square feet, including area for vehicle parking.

(i) The campground owner/applicant shall provide evidence that any and all required approvals from the New York State Department of Health (NYSDOH) have been obtained.

(j) The property shall have direct vehicular access to a public road, or if the property does not have direct access to a public road, the owner(s) of the property where the use is located shall have sole ownership of the right-of-way leading to a public road.

(k) Vehicular access. Each Short-Term Campground shall have two means of egress/exit. In the event two separate means of egress/exit cannot be provided, due to a lack of adequate sight distance to limited frontage, the Planning Board may approve an alternate design that will ensure adequate safety.

(l) The regulations of this section shall apply to any extension of Short-Term Rental Campgrounds, including increases in the number of campsites, even if no additional total land area is involved.

(m) Permitted Short-Term Campgrounds may apply to the Building Inspector for minor modifications, subject to an approved building permit. Minor modifications shall be permitted only when there are no additional infrastructure or Department of Health requirements. The Building Inspector shall determine whether a proposed modification is a minor modification.

(n) Upon transfer of ownership, the new owner(s) must submit a new Short-Term Rental Registration Form and required performance bond and proof of insurance. In addition, the Building Inspector shall inspect the site upon a change of ownership to assure that the site is in compliance with all requirements.

(o) Proof of a current commercial insurance policy covering the permitted address for use as a Short-Term Rental Campground that provides a minimum of one million dollars (\$1,000,000.00) liability and personal injury coverage, naming the Town of Mamakating as additionally insured, on a primary and noncontributory basis, must be submitted with the annual permit fee.

(p) A performance bond, in an amount and form acceptable to the Town Board, shall be provided to ensure the proper installation of any public improvements.

(q) Short-Term Rental Campgrounds may operate only for four (4) months from May 1st through October 31st of each year.

(r) Fire protection. The property owner shall ensure that adequate fire protection equipment is on the premises at all times in accordance with all applicable requirements.

(s) One restroom or other approved sanitary disposal system and an adequate potable water supply shall be provided for each campsite. Water supply for the site shall be serviced by a municipal or private water supply system, which is subject to review by the Town Engineer and the State Health Department, if applicable. The adequate supply of potable water shall be provided within 250 feet of each campsite.

(t) Shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with a Short-Term Rental Campground.

(u) An adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and not less than once each week.

(v) Sufficient exterior illumination of a down cast nature shall be required to provide convenience and safety. All such illumination shall be shielded from the view of all surrounding properties and streets.

(w) All campground sites shall be screened from the view of adjacent properties and adjoining public streets by means of an opaque screen of plant materials or fencing. All screening shall be approved by the Planning Board, properly maintained after placement and located within the required front, rear, and side yards. No screening is required where a fifty-foot wide natural vegetative buffer is retained along the property lines that provides adequate screening of the site.

(x) Adequate regulations shall be established and enforced by campground owners to prevent and remedy any issues related in sanitation, refuse, and nuisances.

(y) All sites shall be individually numbered. Site numbers shall be clearly visible from internal campground access roads.

(z) Each campground shall maintain and submit with its annual registration an up-to-date map of the campground identifying all sites, internal campground access roads and all exits to public roads.

(aa) Campground owners shall be responsible for maintaining accurate records and shall comply with all reporting requirements in accordance with New York State Department of Health regulations. The Town Building inspector shall have access to and the right to inspect records for evidence of permanent residency.

(bb) The owner or manager shall keep a register of all visitors to the facility. The register shall specifically contain the name of a contact person for each camping party, home address, and a phone/cellular number where he may be reached at his home and regular place of employment.

§157-6. Short-Term Tent Agritourism - Farm Vacation Campgrounds.

(a) Short-Term Tent Agritourism - Farm Vacation Campgrounds are permitted only if the property is located in a County Agricultural District.

(b) A Short-Term Tent Agritourism - Farm Vacation Campground is designed exclusively for overnight and short duration use for a maximum of six portable structures, regardless of the acreage. Such portable temporary structures may include but are not limited to, tents, teepees, yurts, canopies, awnings; or a collapsible shelter of fabric (such as, but not limited to, nylon or canvas) stretched and sustained by poles and used for camping outdoors, which is rented in exchange for consideration, monetary or otherwise, by the owner(s) in exchange for temporary occupancy for a period of no more than thirty (30) consecutive nights. The only amenities provided are temporary restrooms and potable water for each site.

(c) No new or claimed currently existing Short-Term Tent Agritourism - Farm Vacation Campground is permitted without a site plan approval by the Planning Board and use permit as herein provided. Such approval and permit is also required prior to improvements to facilities, structures, circulation, or expansion of additional campsites, or when additional infrastructure or Department of Health requirements are mandated.

(d) Short-Term Tent Agritourism - Farm Vacation Campground may be rented for a total of four (4) calendar months within the May 1 to October 31 time frame. The property owner must select which four months within this time frame that rentals will occur, and each month of rental must be listed on the Short-Term Rental Certificate. The Short-Term Campground rental calendar will be maintained by the Building Department.

(e) All approved Short-Term Tent Agritourism - Farm Vacation Campgrounds must apply to the Building Department annually for a Short-Term Rental Certificate using the "Short-Term Rental Registration Form" and pay the application fee per the Short-Term Rental fee law.

§157.7. General Requirements Applicable to Short-Term Campground Rentals and Short-Term Tent Agritourism - Farm Vacation Campgrounds.

(a) All campsites shall be located at least 300 feet from any adjoining properties and roads.

(b) The owner or property manager must reside on the property or reside no more than 15 minutes away from the property.

- (c) Recreational vehicles, travel trailers, cabins, mobile homes or similar vehicles and structures are prohibited. Only temporary portable structures as defined herein are permitted.
- (d) No permanent structures shall be permitted with the exception of tent platforms and cooking grills.
- (e) Each tent camping site shall be a minimum of 1,500 square feet, including area for vehicle parking.
- (f) The campground owner/applicant shall provide evidence that any and all required approvals from the New York State Department of Health (NYSDOH) have been obtained.
- (g) Minimum frontage. One hundred feet of road frontage on a public road shall be required.
- (h) The site shall have direct vehicular access to a public road or if the site does not have direct access to a public road, the owner(s) of the property shall have sole ownership of a right-of-way leading directly to the public road.
- (i) Vehicular access. Each Short-Term Tent and Agritourism-Farm Campground Rental shall have two means of egress/exit. In the event two separate means of egress/exit cannot be provided, due to a lack of adequate sight distance or to limited frontage, the Planning Board may approve an alternate design that will ensure adequate safety.
- (j) Approved Short-Term Tent and Agritourism-Farm Campgrounds may apply to the Building Inspector for minor modifications subject to an approved building permit additional infrastructure or Department of Health requirements. The Building Inspector shall determine whether a proposed modification is a minor modification.
- (k) Upon transfer of ownership, the new owner(s) must submit a new Short-Term Rental Registration Form and required performance bond and proof of insurance. In addition, the Building Inspector shall inspect the site upon a change of ownership to assure that the site is in compliance with all requirements.
- (l) Short-Term Tent or Agritourism-Farm Campground shall occur only for four (4) months from May 1st through October 31st of each year.
- (m) Fire protection. The property owner shall ensure that adequate fire protection equipment is on the premises at all times in accordance with all applicable laws, codes and regulations.

(n) One restroom or other approved sanitary disposal system and an adequate potable water supply shall be provided for each campsite. Water supply for the site shall be serviced by a municipal or private water supply system, which is subject to review by the Town Engineer and the State Health Department, if applicable. The adequate supply of potable water shall be provided within 250 feet of each campsite.

(o) Shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with a Short-Term Tent or Agritourism-Farm Campground.

(p) An adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and not less than once each week.

(q) Sufficient exterior illumination of a down cast nature shall be required to provide convenience and safety. All such illumination shall be shielded from the view of all surrounding properties and streets.

(r) All campground sites shall be screened from the view of adjacent properties and adjoining public streets by means of an opaque screen of plant materials or fencing. All screening shall be approved by the Planning Board, properly maintained after placement and located within the required front, rear, and side yards. No screening is required where a fifty-foot wide natural vegetative buffer is retained along the property lines that provides adequate screening of the site.

(s) Adequate regulations shall be set by the property owner to combat any issues related in sanitation, refuse, and nuisances.

(t) All sites shall be individually numbered. Site numbers shall be clearly visible from internal campground access roads.

(u) All campgrounds shall maintain and submit with their annual registration an up-to-date map of the campground identifying all sites, internal campground access roads and all exits to public roads.

(v) Campground owners shall be responsible for maintaining accurate records and shall comply with all reporting requirements in accordance with New York State Department of Health regulations. The Town Building inspector shall have access to and the right to inspect records for evidence of permanent residency or lack thereof.

(w) The owner or resident manager shall keep a register of all tenants, guests and visitors to the facility. The register shall specifically contain the name of a contact person for each camping party, his home address, and a phone/cellular number where he may be reached at his home or regular place of employment.

§157-8 Type-1, Hosted Short-Term Dwelling Rentals.

Owner(s) seeking to use a single-family dwelling or accessory dwelling unit as a Type-1, Hosted Short-Term Rental must apply for and obtain a Short-Term Dwelling Rental Certificate from the Building Inspector prior to operating a Type-1, Hosted Short-Term Dwelling Rental, which Certificate shall be subject to the following conditions:

- (a) Type-1, Hosted Short-Term Dwelling Rentals may be rented for a total of four (4) calendar months within the calendar year. The property owner must select which four months within this time frame that rentals will occur, and each month of rental must be listed on the Short-Term Rental Certificate. The Type-1 Hosted Short-Term Dwelling rental calendar will be maintained by the Building Department.
- (b) All Type-1, Hosted Short-Term Dwelling Rentals must apply for a Short-Term Rental Certificate using the “Short-Term Rental Registration Form” and pay the application fee per the Short-Term Rental fee schedule.
- (c) A Short-Term Rental Certificate approving the use of a dwelling or accessory dwelling unit as a Type-1, Hosted Short-Term Dwelling Rental must be issued by the Building Inspector prior to utilizing any dwelling unit as a Type-1, Hosted Short-Term Dwelling Rental. Proof that a qualified professional has certified that the water supply and sewage system is adequate for the Short-Term Dwelling Rental and also has shown that an increase in usage will not adversely affect the neighbors must accompany the registration form.
- (d) Short-Term Rental Certificate is effective for one year from the date of issuance.
- (e) Upon transfer of ownership, the new owner(s) must apply for a new Short-Term Rental Certificate before resuming Type-1, Hosted Short-Term Dwelling Rental activities.
- (f) Any existing Type-1, Hosted Short-Term Dwelling Rental that does not have all required permits from the Town of Mamakating and the NYSDOH shall not continue to operate without first obtaining such approvals, if applicable.

§157-9. Type-2, Non-Hosted Short-Term Dwelling Rental.

Owners seeking to use a single family dwelling or accessory dwelling unit as a Type-2 Non-Hosted Short-Term Dwelling Rental must apply for and obtain a Short-Term Dwelling Rental Certificate from the Building Inspector prior to operating a Type-2, Non-Hosted Short-Term Dwelling Rental, which Certificate shall be subject to the following conditions:

(a) Type-2, Non-Hosted Short-Term Dwelling Rental Certificates are limited to two (2) per legal owner(s) regardless of the number of properties owned. The formation of corporations, limited liability companies, partnerships and other entities, which would allow an individual to own, or partially own, more than two (2) Type-2, Non-Hosted Short-Term Dwelling Rentals, is prohibited.

(b) Type-2, Non-Hosted Short-Term Dwelling Rentals may be rented for a total of four (4) calendar months within the calendar year. The property owner must select which four months within this time frame that rentals will occur, and each month of rental must be listed on the Short-Term Rental Certificate. The Type-2, Non-Hosted Short-Term Dwelling Rental calendar will be maintained by the Building Department.

(c) A Type-2 Short-Term Rental Certificate is effective for one year from the date of issuance, and must contain the following information:

(i) The name, address, email and phone number where the owner of the dwelling or accessory dwelling unit can be reached on a twenty-four (24) hour basis must be provided.

(ii) The name, address, email and phone number where the local agent of the owner of the dwelling or accessory dwelling unit can be reached on a twenty-four (24) hour basis, if different from the owner(s). The local agent must reside close enough so as to arrive at the rental property within 30 minutes of notification. Failure of the local agent to do so will be considered a failure of the owner. In addition, 24-hour contact information must be provided to any neighbors within 500 feet of the rental property.

(iii) If the property upon which the dwelling or accessory dwelling unit is located is served by a private septic system, the owner must provide a septic inspection report, dated within ninety (90) days of the date of the application, stating that the septic system was adequately functioning for the intended use at the time of inspection and does not impact the neighbors or surrounding area. The maximum occupancy of the Type-2, Non-Hosted Short-Term Dwelling Rental is limited by the number of bedrooms, but not exceeding four (4) bedrooms, as indicated in the Certificate of Occupancy, allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the NYS Department of Health, Appendix 75-A of Part 75 of Title 10 of the New York Codes of Rules and Regulations, as amended, and regulation and/or standards applicable to septic system. A system failure shall require a new passing inspection report.

(iv) Signatures of both the dwelling and accessory dwelling unit Owner(s) and, if applicable, their authorized local agent.

(v) Confirmation from the Building Inspector who must be allowed access to the dwelling or accessory dwelling unit, that the dwelling unit complies with the provisions of this section.

(vi) A visual depiction of the site, including the building(s) driveways and parking areas. This may include sketches, photos or plans.

(d) Structural modifications requiring a Building Permit made to a dwelling or accessory dwelling unit being utilized as a Type-2 Short-Term Dwelling Rental must be issued a Certificate of Occupancy prior to the submission of the application to renew the Type-2 Short-Term Rental Certificate and before housing any Lodgers or undertaking such modifications.

(g) If the ownership of a dwelling or accessory dwelling unit used as a Type-2, Non-Hosted Short-Term Dwelling Rental changes, the new owner(s) must inform the Building Inspector in writing of the ownership change and apply for a new Certificate.

§157-10. General Requirements Applicable to Type-1, Hosted Short-Term and Type-2, Non-Hosted Short-Term Dwelling Rentals.

(a) A Short-Term Dwelling Rental may only be offered in a single-family dwelling or accessory dwelling unit that is in lawful use for residential habitation with a Certificate of Occupancy.

(b) The Building Inspector or any person designated by the Town Board shall determine the maximum number of Lodgers allowed in any Short-Term Dwelling Rental based upon no more than two (2) people per bedroom with a maximum of four bedrooms offered and the maximum number of daytime visitors permitted at any one time, taking into account the features of the dwelling or accessory dwelling unit, the capacity of the septic system, the proximity of adjoining residences, the potential for noise or other disruptions to the neighborhood, and the safety of all residents and Lodgers. The maximum number of visitors permitted at any one time shall not exceed the maximum number of permitted Lodgers in the dwelling or accessory dwelling unit used as a Short-Term Rental. Visitors are permitted between the hours of 7:00 a.m. and 11:00 p.m.

(c) One (1) off-street parking space, not located on the Lot's lawn or vegetated area, must be provided per bedroom intended for Lodgers' use.

(d) The owner(s) of the dwelling or accessory dwelling unit shall use best efforts to ensure that Lodgers do not create sound or disturbances, engage in disorderly conduct, or otherwise violate any other provisions of the Town Code or any county or state law pertaining to noise or disorderly conduct. The owner(s) of the dwelling or accessory dwelling unit shall, upon notification from the Building

Inspector or any law enforcement officer that Lodgers have created noises or disturbances, engaged in disorderly conduct, or otherwise violated provision of the Town Code, or any county or state law, promptly use best efforts to cease and prevent a recurrence of such conduct.

(e) A Short-Term Dwelling Rental shall not advertise the availability of the Short-Term Rental on any portion of the building, lot or public or private street. No advertisements regarding the use of the dwelling or accessory dwelling unit as a Short-Term Rental may be visible from the exterior of the dwelling or accessory dwelling Unit. A Short-Term Rental shall not have any signs indicating it is a Short-Term Rental or other outside appearance indicating such use.

(f) All Short-Term Dwelling Rentals shall post a clearly visible notice within the dwelling or accessory dwelling unit on or adjacent to the front door of the dwelling or accessory dwelling unit which contains the following information:

(i) The name of the owner(s) of the Short-Term Dwelling Rental and their authorized local agent, if applicable, and a telephone number at which each can be reached on a twenty-four hour basis.

(ii) A notice to call 911 in the event of a fire and/or medical emergency, and the 911 address of the Short-Term Dwelling Rental.

(iii) The maximum number of Lodgers permitted to stay in the Short-Term Dwelling Rental and the maximum number of adult daytime visitors.

(iv) The requirement that all Lodgers and visitors to the dwelling or accessory dwelling unit must park in the available parking areas on such lot and not in or along any public roadway or on any lawn or vegetated area Short-Term Rental's lot or any other lot.

(v) Instructions on the handling of trash and notification that trash and refuse shall not be left or stored on the exterior of the lot, unless in a sealed trash receptacle. All trash handling must be in compliance with Town Code.

(vi) Emergency evacuation instructions with a drawing of the premises included.

(g) All dwellings and accessory dwelling units used as Short-Term Rentals must comply with the following requirements:

(i) All provisions and requirements of the New York State Uniform Code ("Uniform Code"), as amended.

(ii) Contain smoke and carbon monoxide detectors in appropriate locations as required by the Uniform Code, as amended.

(iii) Contain GFCI outlets in appropriate locations as required by the Uniform Code, as amended.

(iv) For dwelling and accessory dwelling units that have laundry facilities, a metal dryer exhaust to the exterior of the dwelling or accessory dwelling unit.

(v) Contain at least one 10 lb. ABC-type fire extinguisher on each floor of the dwelling or accessory dwelling unit. Such fire extinguisher shall be conspicuously located and be certified as having been inspected on a yearly basis.

(vi) All stairs, porches, and decks, both indoor and outdoor, shall be properly illuminated and safe, as determined by the Building Inspector.

(vii) The entrance to the driveway on the lot upon which the dwelling or accessory dwelling unit is located must contain a reflective four (4) inch high address number posted three feet high and visible from both directions.

(viii) The maximum occupancy for a Short-Term Dwelling Rental shall be the smaller of:

(1) The maximum number of people allowed based on the septic inspection report, if applicable; or

(2) The number of people calculated on the basis of 2 persons per number of listed bedrooms but not to exceed four (4) bedrooms per Short-Term Dwelling Rental, with an emergency egress or rescue opening.

§157-11. Requirements Applicable to All Short-Term Rentals.

A. Copy of current Sullivan County Hotel Occupancy Tax Certificate will be required to receive a Short-Term Dwelling Rental certificate.

B. Insurance. Prior to Issuance of a Short-Term Rental Permit, the applicant shall provide proof of one million dollars (\$1,000,000.00) liability and personal injury coverage applicable to the property and which expressly covers Short-Term Rentals and which names the Town of Mamakating, its officers and employees as additional insureds on a primary and noncontributory basis. The applicant shall provide a certificate of insurance and a copy of the policy endorsement demonstrating that the policy covers

short-term rentals and names the Town, its officials and employees as additional insureds on a primary and noncontributory basis.

C. Enforcement.

(i) This Chapter may be enforced by the Building Inspector, Code Enforcement Officer and other officer, employee or agent appointed by the Town Board. All enforcement officers are authorized to issue violation notices, orders to remedy and appearance tickets.

(ii) It is the responsibility of the property owner to comply with all terms and provisions of this Chapter and with any permit or approval granted pursuant to this Chapter and to ensure that all Short-Term rental tenants, guests and invitees comply. A failure by Short-Term rental tenants, guests or invitees to comply shall be attributed to the failure of the property owner to discharge his responsibility to ensure such compliance. Notwithstanding the foregoing, Short-Term rental tenants, guests, invitees and others may also be charged for any such noncompliance. Whenever the enforcement officer determines that there is or has been a violation of any provision of this Chapter or of any permit or approval granted pursuant to this Chapter, or any order issued pursuant to this Chapter (each deemed a violation of this Chapter), the enforcement officer shall give notice of such violations to the person or entity responsible therefor. Such notice shall be in writing and shall include a concise statement of the reason(s) for its issuance. Said notice shall be deemed to be properly served, a copy thereof is sent by certified mail to the last known address of the person or entity upon which the notice is served, as shown on the most recent assessment roll of the Town or on the application for the Short-Term Rental Certificate, or a copy thereof is personally delivered to said person or entity or a copy is left at the usual place of residence or office of the person or entity. Notice shall be given as aforesaid within or outside the Town. The notice shall also order that the violation must be corrected, removed or prevented (order to remedy) and state if the violation is not remedied within five (5) days, or such other greater or lesser time as deemed reasonable by the enforcement officer under the circumstances, of the date of service of such notice, and appearance ticket may be issued for such violation.

(iii) Whenever the enforcement officer finds that an emergency condition exists, which condition requires immediate attention in order to protect the public health or safety of any owner or occupant, the enforcement officer may issue an order by service of notice in a manner set forth above, reciting the existence of such emergency condition requiring that remedial action be taken immediately. Any person to whom such an order is directed shall comply therewith immediately.

(iv) Failure to comply with an order when notice has been provided in accordance with this Chapter shall constitute a separate and distinct offense.

D. Suspension of Short-Term Campground and Short-Term Agritourism – Farm Vacation Campground Permits.

(a) In addition to and not in lieu of any other remedies, the enforcement officer or the Planning Board may initiate a proceeding before the Planning Board to review, modify or suspend a use permit issued to a Short-Term Rental Campground or a Short-Term Agritourism – Farm Vacation Campground after the permit holder is given due notice and an opportunity to be heard. Any suspension or modification of the permit may be appealed to the Zoning Board of Appeals for a final determination within thirty (30) days after filing of the Planning Board's determination in the Town Clerk's office. An aggrieved party is required to exhaust administrative remedies by appeal to the Planning Board. If such appeal to the Planning Board is not timely made, then no judicial proceeding to challenge the Planning Board's determination is permitted. Any judicial proceeding to challenge the Zoning Board of Appeal's determination shall be instituted within thirty (30) days after filing of the Board's determination in the Town Clerk's office.

(b) The maximum length of such permit suspension shall be as follows:

(i) For a first violation, the Planning Board may, in its discretion, issue a warning and suspend the permit to conduct Short-Term Rentals at the subject property for a period of up to six (6) months from the date of the Board's determination, depending on the circumstances, severity and nature of the violation, taking into consideration whether the violation was committed knowingly or intentionally and/or presented a risk to public safety.

(ii) For a second violation within one year of a prior violation, the Planning Board may issue a second warning, and suspend the right to conduct Short-Term Rentals at the subject property for a period of six (6) months.

(iii) For the third or more violation, the Planning Board may suspend the right to conduct Short-Term Rentals at the subject property for a period of one (1) year.

(iv) Renewal of the permit after a suspension period will not be automatic and will also be subject to the availability of Certificates in the corresponding zoning district at that time.

(v) All costs and expenses, including but not limited to reasonable attorneys' fees, employees salaries and administrative costs, associated with the Planning Board proceeding shall be charged to the owner of the property. If such charge is not paid in full within thirty (3) days after billing to the owner, the charge and costs shall be assessed and levied against and constitute and lien on the real property upon which it is levied until paid or otherwise satisfied and discharged, and shall be collected in the same manner and at the same time as other Town real property taxes.

E. Penalties For Offenses.

(i) In addition to and not in lieu of any other remedies (including but not limited to use permit suspension pursuant to §157-11D), any person who violates any provision of this chapter or who violates or fails to comply with any lawful order promulgated hereunder shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$500 nor more than \$750; for conviction of a second violation, such person shall be subject to a fine in an amount not less than \$750 and not more than \$1,000; for conviction of a third or more violation, such person shall be subject to a fine in an amount not less than \$1,000 and not more than \$1,250.

(ii) If a person or entity has gained a profit through or related to the commission of any violation of this Chapter, then upon conviction thereof, in lieu of imposing the fine authorized by subsection (i) above, the court may sentence the defendant to pay an amount, fixed by the court, not exceeding two times the amount of the defendants' profit from or related to the commission of the violation. The court shall make a finding as to the amount of the profit gained by the defendant's conduct.

(iii) Civil penalties and injunction. In addition to and not in lieu of any other remedies, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this chapter or any order promulgated hereunder. The civil monetary penalties shall be in accordance with and not exceed the fine amounts set forth in subsection (i) above.

(iv) Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.

(v) Remedies not exclusive. No remedy or penalty specified in this Chapter shall be the exclusive remedy or penalty available to address any violation of this Chapter.

(vi) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of applicable provisions of other chapters of the Town Code, Sullivan County regulations, New York State DOH regulations, the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and Federal regulations.

F. Annual Short-Term Rental Certificate Renewal.

- (i) A Short-Term Rental Certificate requires renewal by the Building Inspector no later than each anniversary of such issuance. The certificate holder must request the renewal in writing from the Building Inspector at least ninety (90) days prior to such anniversary. Failure to do so may result in the lapse of the Short-Term Rental Certificate. Within thirty (30) days after receipt of such request, the Building Inspector shall review whether the Short-Term Rental is in compliance with the terms of its use permit, if applicable, and the applicable provisions of this Chapter and other laws, codes, rules and regulations. If the Building Inspector determines that the Short-Term Rental is not in compliance, then the Building Inspector shall not issue a renewal Certificate until the Short-Term Rental complies with all terms of its use permit, if applicable, and the applicable provisions of this Chapter and other laws, codes, rules and regulations.
- (ii) With respect to Short-Term Rentals that have received a use permit from the Planning Board, the Building Inspector shall, within thirty (30) days after receipt of the renewal request, submit a report to the Planning Board, which report shall include any violation notices related to the property. The Planning Board shall have the discretion to amend the use permit or deny renewal of the Certificate for good cause shown, which may include but is not limited to considerations of noise, smoke, disorderly conduct, inadequate sewage disposal or water supply, or public safety. The Planning Board may, in its discretion, hold a public hearing in connection with any renewal request.

G. Registry of Short-Term Rental Permits.

The Town Clerk shall maintain a record of all Short-Term Rentals, including the permit type, names of the owner and agent, if applicable, the address, telephone number(s), maximum occupancy of the establishment and the permit issuance date.

H. Fees. Application fees for Short-Term Rental use permits issued by the Planning Board, annual Short-Term Rental Certificates, and renewal Certificates shall be established by

resolution of the Town Board and may be amended from time to time by resolution of the Town Board.

Section 2. If any clause, sentence, paragraph, section or other part of this local law shall be adjudged by a court of competent jurisdiction to be null, invalid, void or unconstitutional, such judgment shall not affect nor impair or invalidate the remainder thereof and shall be confined in its operation to the clause, sentence, paragraph, section or other part of this law that is directly involved in the controversy in which such judgment was rendered and all other parts of the law shall remain valid and in full effect.

Section 3. This local law is adopted pursuant to the state Municipal Home Rule Law.

Section 4. This law shall take effect immediately upon filing with the Secretary of State.