

Short Term Rental Regulation

Section 1 Purpose:

With the increase in tourism over the past few years in Roxbury and adjacent areas, there has been an increase in the number of property owners renting to tourists on a short term transient basis. The purpose of this local law is to allow permitted residents of the town of Roxbury to take advantage of the economic benefits of Short Term Rentals (STR) while protecting the renters and all residents of the Town of Roxbury. The following local law imposes regulations and standards on all Town of Roxbury property owners that desire to rent on a short-term basis. The regulations and standards are to assure that the properties being rented meet certain minimum safety and regulatory requirements ensuring the safety, general welfare and health of persons occupying the Short Term Rental and neighboring properties.

Section 2 Definitions:

Owner: An individual or group of individuals who has legal or equitable title to the STR property.

Property: A parcel of property and any dwellings contained on it located within the boundaries of the Town of Roxbury, Delaware County, New York.

Local Manager: The person specifically named on the application and permit who is designated by the owner of the STR property with the responsibility to handle the day-to-day operation of the Short Term Rental Unit, and who is required to be available in the Owner's absence. The Local Manager can also be the Local Emergency Contact.

Local Emergency Contact: The person specifically named on the application and permit who is to be available and authorized to promptly deal with emergencies and other STR guest issues and compliance with STR operating requirements, in the Owner's or Local Manager's absence. A Local Emergency Contact shall be able to respond within one hour.

Short Term Rental: A primary residence that is rented or leased in whole or part, for a period of thirty (30) days or less, to one entity. Any dwelling unit, which is rented or leased for a period of thirty (30) days or more to individuals, or families who then allow others to occupy the dwelling for periods of less than thirty (30) days shall be considered a short-term rental unit and will require a permit for such use. For purposes of this definition, "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money or valuable consideration. Motels, hotels and bed & breakfasts are excluded from this definition.

Rented in Part: A Short Term Rental in a Primary residence that is being occupied in part by the owner and in part by Short Term Rental guest(s).

Rented in Whole: A Short Term Rental in a primary residence rented in its entirety by Short Term Rental guest(s).

Section 3 STR Standards:

All STR shall meet the following standards:

- For a STR seeking whole house rentals, the following information shall be posted in the STR: the name, address and phone number of the building owner or local manager who will be available for problems or emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance.
 - When the emergency contact information changes, the Roxbury Town Clerk will be notified and STR Renter notices shall be revised accordingly.
- A local emergency contact shall be able to respond within one hour.
- The STR address location (911 address) shall be clearly marked on the STR property including the town of Roxbury in Delaware County.
- If off street parking exists it shall not restrict access for fire and safety vehicles.
- The STR owner/emergency contact will provide guests with copies of emergency guidelines within the STR (location of fire extinguishers, smoke alarms, rules for noise, and safety requirements).
- Approved STR will use the assigned registration number from Delaware County that must be included in all rental listings and posted within the STR.
- House Rules should include:
 - The STR host will provide guests with a property map that clearly depicts the STR property boundaries. Said property map shall be posted in a location along with all other pertinent information.
 - Waste Removal: Garbage shall be kept in an approved container. The owner/manager will arrange the garbage pick-up. Renters do not have authority to use the Roxbury Transfer Station without a permit.

Section 4 Permit Requirement and Application Process:

- A. Permit Required. It shall be unlawful to use, establish, maintain, operate, occupy, rent, or lease an STR without first having obtained a STR Permit. The failure or refusal to obtain a STR Permit shall be deemed a violation of this Law.
- B. Permit Application. The initial permit application must include the following and be submitted to the Town of Roxbury Code Enforcement Officer:
 - Contact Information: The names, addresses and day and night time telephone numbers of the property owner and designated local manager (if applicable), parcel tax ID number must be included on the application.
 - Fire and Safety Compliance: The applicant shall attach an emergency plan (egress, whom to call in an emergency, and short-term rental address).

- Water and Septic: The source of domestic water and septic shall be stated on the application, private or municipal.
- Description: Number of bedrooms and maximum number of occupants.
- STR's must provide a copy of the registration with Delaware County or provide the registration number.
- The Insurance Company and policy number are to be indicated on the application.

C. The Code Enforcement Officer may decline an application for any of the following reasons:

- The application is incomplete; the documentation required by this chapter was not included with the application.
- The STR does not meet the definition set forth in this chapter.

Section 5 Enforcement and Penalties:

Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Roxbury, Delaware County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this chapter.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- A. The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.
- B. The contact person shall respond to the complaint by phone or in person and implement an appropriate remedy as soon as reasonably possible to address any non-compliance with these regulations or with the permit for the property.
- C. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved.
- D. If the Town Code Enforcement Officer finds a violation of the STR permit or of this local law, the Code Enforcement Officer will have the discretion to take whatever enforcement measures deemed appropriate under the circumstances, taking into account the severity and nature of the violation, whether the violation was committed knowingly or intentionally and/or presented a risk to public safety. Enforcement actions that may be taken by the Code Enforcement Officer include, but are not limited to:
 1. A warning to the property owner;

2. A modification of the STR permit to include reasonable conditions narrowly tailored to address and remedy the violation and prevent further violations during the permit term;
 3. Suspension of the STR permit for a period of up to six (6) months; and
 4. Revocation of the STR permit.
- E. Should a STR permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than six (6) months after the date of revocation.
- F. A decision to revoke, suspend or modify a STR Permit shall be provided to the property owner and may be appealed within thirty (30) days of receipt of the decision. The property owner shall make a written request for a hearing to the Town Board shall hear the appeal at its next regularly scheduled meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the Town Board shall accept evidence offered by the property owner, the Code Enforcement Officer and any other witness with relevant evidence. After the hearing, the Town Board shall decide the appeal, and in so doing, may uphold the Code Enforcement Officer's decision, reject it, or modify it.
- G. A failure to obtain an STR Permit required under Section 4 of this Law shall be punishable by a fine or penalty of not less than one hundred and fifty (\$150) dollars nor greater than five hundred (\$500) dollars; a conviction of a second offense, within a period of five (5) years of the first conviction, shall be punishable by a fine or penalty of not less than five-hundred (\$500) dollars nor greater than one thousand (\$1,000) dollars. Each week or part thereof the violation continues shall be deemed a separate and distinct offense punishable in like manner. The Code Enforcement Officer is authorized to issue appearance tickets for violations of this Local Law.

Section 6 Effective Date:

This law shall become effective upon the filing with the Secretary of the State of New York.