

**TOWN OF FORT ANN
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW 1 of 2023**

**A LOCAL LAW REGULATING SHORT-TERM RENTALS
IN THE TOWN OF FORT ANN**

Be it enacted by the Town Board (the “Board”) of the Town of Fort Ann (“Town”), County of Washington, State of New York (“State”) as follows:

ARTICLE 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 areas of 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. This local law shall apply to the whole Town and is intended to regulate the commercial nature of short-term rentals and transient guests.

Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This Local Law is adopted pursuant to New York Municipal Home Rule Law.

ARTICLE 2. DEFINITIONS.

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

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 thirty (30) consecutive days to any person or entity, but not including a Hotel, Motel, Inn, Campground, Bed and Breakfast.

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.

ARTICLE 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 and one functioning smoke detector centrally located on each floor of the premises. There shall also be one functioning carbon monoxide detector in each sleeping room and one functioning carbon monoxide detector centrally located on each floor of the premises. Where propane gas is used for a furnace or interior appliance, one functioning propane detector shall be located on premises. There shall be a functioning fire extinguisher in the kitchen and any other room where a flame or heat source is present. All protection features referenced in this part, must be in compliance with NYS Building 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 fireplace, 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 1.5 vehicles per bedroom (rounded to the next whole number). The number of bedrooms set forth in the Town of Fort Ann'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 any

violation(s) of such rules or regulations. The rules will specifically address the penalties contained in this local law – see Article 6. 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 Enforcement Officer. 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, obscenity, tumultuous or threatening behavior, unreasonable noise, abusive or obscene language or gestures in public. Quiet hours for the purpose of this Law shall mean between the hours of 10:00 PM and 8:00 AM 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.

I. No Short-Term Rentals shall permit dogs on the property without a current rabies certificate issued by a veterinarian, and acknowledgement that all guests and invitees will be subject to the Dog Control Regulations of the Town of Fort Ann.

J. A house number visible from the street or road shall be maintained.

K. Short-Term Rentals shall comply with all Local, State and Federal Laws and Regulations.

L. The maximum occupancy for each Short-Term Rental shall be two (2) people per bedroom plus two (2). For example, a Short-Term Rental with three (3) bedrooms is allowed eight (8) occupants. The number of bedrooms is determined by the most restrictive record between the RPS database maintained by the Town Assessor's Office, and the Washington County Code Enforcement Office.

M. All motorized watercraft brought to the Short-Term Rental Property shall possess a steward-issued certification that, before launching, their watercraft was decontaminated at a NYS DEC Watercraft Inspection Station.

ARTICLE 4. CONTACT PERSON.

The Short-Term Rental Owner must provide all owners of property adjacent to 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 (1) hour of receiving the complaint. The contact person or entity must document all complaints and responses and submit them to the Town upon reasonable request. A copy of the contact person or entity name, address and phone number shall be posted and maintained on the property and made immediately available upon request from law enforcement officers or Town personnel.

ARTICLE 5. LICENSE REQUIRED.

Unless otherwise exempt under this Local Law, all persons, corporations, business entities, or institutions desiring to use their property as a Short-Term Rental within the Town must obtain a license from the Town of Fort Ann, prior to marketing or renting their property.

A. All Short-Term Rental Owners shall file with the Town Clerk an application, in a form to be determined by the Town Board. Each license shall be specific to each individual property and is not transferrable. A copy of the license shall be posted and maintained on the premises. Any false statement made on any application shall be grounds for denial or revocation of the license. Licenses shall be kept by the Town Clerk. Applications shall contain the following:

1. Name and address of Applicant.
2. Copy of the deed to the property in question.
3. A detailed site plan, to include where applicable:
 - a. Location map, drawn to scale, showing boundaries and dimensions of the parcel or tract of land involved. Identification of roadways, contiguous properties, and any known easements or rights-of-way.
 - b. Location of dwelling unit(s) and number of bedrooms that will be used as Short-Term Rental.
 - c. Location of any water courses, ponds, lakes, wetlands on the premises.
 - d. Location of driveways, garages, swimming pools, structures, fence(s), hedgerow(s), and any exterior features likely to be used by guests. i.e. fire pits, horseshoe pits, picnic tables, gazebos, sitting areas, lawn area(s) for outdoor recreation, etc.
 - e. Location of sewage disposal system and all system components.
 - f. Location of well.
 - g. Delineation of means of ingress and egress, and proposed parking area.
4. A copy of the Certificate of Compliance for the sewage disposal system and all components thereof, including number of bedrooms, sizing, and location of the entire system.
5. Applicant shall sign and affirm under oath that such information contained therein is true and accurate.
6. Any such additional information as the Town Board or enforcement officer may reasonably require to assess the proposed project.

B. The license fees:

1. A per property license fee for Short-Term Rental Owners shall be set annually by resolution of the Town Board.
2. The annual license shall be issued on a calendar-year basis and will be subject to all of the provisions contained in this Local Law.

C. A Short-Term Rental Property shall be exempt from the license requirement where the dwelling unit being offered for rent as a short-term rental is also located on the same property as the principal residence of the property owner and is being occupied by the property owner contemporaneously with the dwelling unit being used as a short term rental.

D. Denial, suspension or revocation of license.

1. A license may be denied, suspended or revoked by the Town Board upon the following conditions:

- a. Any violation of the terms of such license;
- b. Information submitted by the applicant is found to be incomplete or incorrect;
- c. Failure to remit the requisite payment of fees;

2. The action of the Town Board shall be made at a regular or special meeting of the Town Board upon notice to the applicant or holder of the license.

3. The Town shall cause written notice to be mailed to the applicant or holder of such license, at the address as set forth in the application, at least three days prior to the regular or special meeting at which such denial, suspension or revocation of license is to be so considered. In the event that the Town deems it necessary to shorten the three-day period, personal service upon the applicant or holder or the license of a written notice of the Town Board meeting to be held less than three days from the date of the notice shall be deemed sufficient.

4. The applicant or holder of the license shall have the right to be heard at the Town Board meeting at which such denial, suspension or revocation is to be considered.

E. Appeals. Any person aggrieved by any decision of the Town Board or any other board or officer of the Town involved with the administration and enforcement of this Local Law may apply to the Supreme Court to review the decision pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceedings shall be instituted within 30 days after the filing of the decision in the office of the Town Clerk.

ARTICLE 6. ENFORCEMENT AND PENALTIES.

Any individual, partnership, corporation, business entities, or other firm owning, operating, occupying, or maintaining a Short-Term Rental Property or a Short-Term Rental shall comply with all the provisions of this Local Law and all orders, notices, rules, regulations or determinations issued in connection therewith.

A. The Enforcement Officer 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 Local Law or any rule or regulation adopted pursuant to this Local Law, a violation notice and/or appearance ticket or summons and complaint may be issued to the person, individual, partnership or corporation owning, operating or maintaining the Short-Term Rental or Short-Term Rental Property in which such violation has been noted.

C. The Enforcement Officer 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 Local Law.

D. Penalties. Any person who shall violate any provision of this Local Law, any order made hereunder, or any rules or regulations adopted pursuant to this Local Law in addition to other penalties provided for in this Local Law shall be guilty of an offense punishable in the following manner: A fine of not more than \$950 for each offense.

E. A civil action or proceeding in the name of the Town of Fort Ann, 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 Local Law or any rule or regulation adopted pursuant hereto. 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 Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, or in any other applicable law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Enforcement Officer determines that a violation has occurred.

ARTICLE 7. SEVERABILITY.

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

ARTICLE 8. EFFECTIVE DATE.

Upon filing with the office of the New York State Secretary of State, this Local Law shall become effective January 1, 2024.