

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 Irvington

**FILED
STATE RECORDS**

APR 24 2019

DEPARTMENT OF STATE

Local Law No. 07 of the year 2019

A local law amending the Irvington Zoning Code to permit short term rentals.
(Insert Title)

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

County City Town Village
(Select one.)

of Irvington as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1: Section 224-3 (Definitions) is hereby amended by adding the following definition:

SHORT-TERM RENTAL - Rental of a whole or partial dwelling unit to visitors for dwelling, sleeping or lodging, for a period of no less than 24 hours or more than 30 consecutive days. The term “short-term rental” does not include bed-and-breakfast establishments, as permitted by §§ 224-8.D(7) and 224-36.B.

SHORT-TERM RENTAL UNIT – The portion of the dwelling unit rented out for short-term rental.

Section 2: Section 224-8 (One-Family Residence Districts, Use Regulations) is hereby amended by adding the following new accessory use to subsection B:

(11) Short-term rentals in accordance with Article XXXII of the Zoning Code.

Section 3: Subsection 224-8.B(11) is hereby redesignated as 224.8.B(12).

Section 4: Section 224-36.A (Business District, Use Regulations) is hereby amended by adding the following new use:

(19) In one-family, two-family and other dwelling units, short-term rentals in accordance with Article XXXII of the Zoning Code.

Section 5: Subsection 224-36.A (19) and (20) are hereby redesignated as 224-36.A (20) and (21), respectively.

Section 6: The Zoning Code of the Village of Irvington is hereby amended by adding the following new article regulating Short-Term Rentals:

ARTICLE XXXII

Short-Term Rentals

§ 224-205. Purposes.

The purposes of this Article are to:

- A. Legalize and regulate short-term rentals in the Village of Irvington and assure that short-term rental units meet applicable health, fire and safety standards.
- B. Preserve the residential character of the Village.
- C. Provide economic support for Village residents who would benefit from rental income.
- D. Provide lodging for visitors to the Village and encourage tourism in the Village.

§ 224-206. Registration required.

No short-term rental is permitted to be established, maintained, operated or advertised unless it complies with the requirements of this Article and until it is registered in accordance with this Article.

§ 224-207. Requirements for short-term rental registration. A short-term rental (STR) unit may be registered only if the following requirements are met:

- A. The dwelling unit in which the STR unit is located shall remain a single dwelling unit with housekeeping facilities in common, and may be rented to not more than one family, as defined in § 224-3.
- B. The dwelling in which the STR unit is located must be the primary residence of the person renting out the STR unit.
- C. The dwelling unit in which the STR unit is located must have been in existence in its present size for at least five years prior to the initial application for registration.
- D. The dwelling, including the STR unit, must be in compliance with the Village Zoning Code, the New York State Uniform Fire Prevention and Building Code, and the Property Maintenance Code of New York State.
- E. For one-family (attached and detached) and two-family dwellings, no exterior changes, including exterior lighting, shall be made to the dwelling that would alter the one- or two-family character and appearance of the residence.
- F. No sign other than a sign permitted by § 224-192.A(3) shall be allowed.

- G. A short-term rental is not permitted on the same lot as an accessory apartment.
- H. No more than 50 short-term rentals may be registered at any one time throughout the Village. The limit on the number of STRs registered may not be varied by the Zoning Board of Appeals.

§ 224-208. Requirements for operating the short-term rental.

- A. The maximum number of days a dwelling or part of dwelling may be rented out as a short-term rental is 180 days per year. For at least 90 of these days, the owner or lessee of the dwelling must be physically in residence at such dwelling during periods in which rooms are rented.
- B. A short-term rental may not be used to host parties or other gatherings or events at the dwelling.
- C. A written notice on a form to be provided by the Village, which contains information about relevant Village parking laws, garbage and recycling rules and schedules, and snow removal, and identifies the party(ies) responsible for responding to complaints about the STR, shall be completed and left at a conspicuous location inside the STR unit and maintained at such location by the operator of the STR and displayed at all times.
- D. While a short-term rental unit is rented, the owner or lessee of the dwelling unit shall be responsible and available during the entire time of rental, for the purpose of responding within 30 minutes to complaints regarding the condition, operation, or conduct of occupants and or guests of the short-term rental unit. If the owner or lessee is not available, (s)he must designate a person who will be so responsible. Prior to the beginning of any short-term rental period, the name(s) and telephone number(s) of the responsible party(ies) must be provided on the written notice required by paragraph C above.
- E. Any person renting out a STR shall use best efforts to insure that the occupants and/or guests of the STR do not create unreasonable noise or disturbance, engage in disorderly conduct, violate any provision of the Irvington Code, or violate any law pertaining to disorderly conduct, the consumption of alcohol, or the use of illegal drugs.
- F. A person renting out a STR, upon receiving notification that an occupant

or tenant of his/her STR unit has created unreasonable noise or disturbance, engaged in disorderly conduct, or committed violations of the Irvington Code or any applicable law, shall respond within 30 minutes of the time the initial call was made, and shall take corrective action to address any violation and use best efforts to prevent the recurrence of such conduct.

- G. A dwelling with a STR unit is subject to periodic inspections by the Building Department and Fire Inspector to ensure continued compliance with all applicable codes.
- H. The person renting out the STR shall maintain a record of the number of guests and the beginning and ending dates of each short-term rental. Such record shall be submitted to the Building Department along with the application to renew the STR registration.

§ 224-209. Registration procedure.

- A. The owner or lessee of the dwelling must file a registration form with the Village Building Department containing an affidavit demonstrating compliance with § 224-207.A through G above. The registration form must be accompanied by the non-refundable fee provided in Chapter 114.
- B. The Building Inspector shall conduct a physical inspection of the proposed STR unit and the dwelling in which it is located. Registration shall not be permitted unless the Building Inspector finds that the STR complies with § 224-207.A through H above.
- C. Registration of the STR will not be permitted if there are unresolved Code compliance issues, outstanding Village fines or fees, or unpaid taxes.
- D. Registration of the STR must be renewed annually, on the same terms and subject to the same fee as the initial registration.
- E. The registration shall expire automatically upon a change in ownership of the dwelling in which the STR is located.
- F. All persons who operate or advertise short-term rentals shall register the STR within 45 days of the date this local law is adopted. If the STR is not registered within 45 days, the person operating the STR shall be deemed in violation of this Article.
- G. Short-term rentals are subject to any intervening changes in the Zoning

Code, the New York State Uniform Fire Prevention and Building Code, and the Property Maintenance Code of New York State, including discontinuing them as a permitted use. Renewal of registration shall be denied if short-term rentals are no longer a permitted use or if the short-term rental no longer qualifies under the requirements of this Article.

§ 224-210. Enforcement.

- A. **Violations.** Any person who rents out or offers to rent out his or her premises as a short-term rental without first registering it in accordance with this Article, or who violates any other provision of this Article, shall be in violation of this Article. The fine for a first violation shall be \$500. The fine for a second violation shall be \$1000. Violations shall be enforced as provided in § 95-12 of the Code of the Village of Irvington.

- B. **Presumptive evidence.** The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
 - (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites.
 - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

- C. **Revocation of registration.** In addition to any penalties provided in § 224-10.A, the Board of Trustees may revoke the registration of any short-term rental if:
 - (1) It finds the STR to be in material breach of the requirements of this Article, or
 - (2) The operator of the STR is found guilty of two violations of this Article.

- D. **Procedure for revocation.**
 - (1) If a person is found guilty of two violations of this Article, or if the Board of Trustees believes that there may be a material breach of the requirements of this Article, it shall hold a public hearing on the violations.

- (2) Notice of the hearing shall be given to the operator of the short-term rental at least 15 days before the date of the hearing.
- (3) In addition, notice of the hearing shall be published in the official newspaper of the Village at least 10 days before the date of the hearing.
- (4) The decision of the Board of Trustees on revocation of the registration shall be by resolution. The decision of the Board of Trustees shall be final.

Section 7: Chapter 114 (Fees) is hereby amended by adding the following:

224-209 Short-term rental registration \$ 250

224-209 Short-term rental registration renewal \$ 150

Section 8: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 9: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

(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. 07 of 2019 of the ~~(County)(City)(Town)~~(Village) of Irvington was duly passed by the Board of Trustees on April 15 2019, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(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.

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 1 above.


Clerk of the county Legislative body City Town or Village Clerk
Office designated by local law

Date: April 16, 2019

(Seal)