

LOCAL LAW No. 4 of 2020

**A LOCAL LAW REGULATING SHORT-TERM RENTALS AND AMENDING TOWN OF DRYDEN ZONING LAW ARTICLES III (DEFINITIONS); V (USE REGULATIONS); AND VII (VARNA) AND IX (GENERAL REGULATIONS)**

**SECTION 1. AUTHORITY.** This Local Law is enacted pursuant to the statutory authority conferred on the Town of Dryden by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

**SECTION 2.** Article III, Article IV, Article V, Article VII and Article IX of the Town of Dryden Zoning Law are hereby amended as follows:

“ARTICLE III: DEFINITIONS.

Add “Short Term Rental” Definition:

“SHORT-TERM RENTAL - Rental of a residence or a portion of a residence to the same natural person or family for fewer than thirty (30) consecutive days.”

In ARTICLE VII: VARNA

Section 702: Varna Use Regulations add Section 702 – E as follows:

“E. Short Term Rental provisions contained in section 912 shall also apply in Varna, and shall be subject to the short-term rental permit process outlined in that section.”

**SECTION 3.**

In ARTICLE IX: GENERAL REGULATIONS add Section 912 as follows:

“Section 912: Short Term Rentals

- A. Use of a dwelling unit or a portion of a dwelling unit for short term rental is permitted only when the residence containing the dwelling unit is contained in or adjacent to the primary residence of the property owner and only as an accessory use.
- B. Short term rental of a residence or a portion of a residence, meeting all of the following requirements:
  - a. Compliance with all Federal, State, County, and local laws, codes, rules and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code.
  - b. Permitted short term rental types:
    - i. Rental of a residence or a portion of the residence, such as a secondary self-contained accessory apartment or a room contained in a residence, for a maximum of thirty (30) days total in any calendar year where the owner is not present in the residence, provided that the owner of the residence or his/her agent is available locally in order to respond in a timely manner to complaints regarding the condition

of the residence or the property at which the residence is located or regarding the conduct of occupants of the residence.

- ii. Rental of a secondary self-contained accessory apartment, provided that the owner of the residence is present in the residence during the term of the rental.
- iii. Rental of a room, or portion contained in a residence, provided that the owner of the residence is present in the residence during the term of the rental.

A short-term rental may not be used by a total that exceeds 2 adults per bedroom.

C. Short-term rental registration permit:

- (a) Prior to use of a residence or any part thereof for short-term rental, the owner of the residence must obtain a registration permit from the Town.
- (b) The owner shall complete a registration form and submit it with a bi-annual registration permit fee of \$90. The registration permit must be renewed every two years.
- (c) Advertising of a property for short-term rental is prohibited absent a valid registration permit.

D. Presumption. In a court action or proceeding involving an alleged violation of this Article, the publication in an advertising medium including but not limited to print newspaper, an online forum such as Craigs List or a social media publication shall be deemed to create a rebuttable presumption that the owner of the property rented the property out as advertised.”

#### **SECTION 4.**

The “Allowable Use Groups Chart” in Sections 501 and 702 (Varna) respectively are hereby amended to include “short-term rentals” as an allowed use in all zoning districts in the Town including Varna.

**SECTION 5. SEVERABILITY.** If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Any prior inconsistent Local Law is hereby repealed and superseded.

**SECTION 6. EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.