

**TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK**

LOCAL LAW NO. C OF 2023

**A LOCAL LAW REVISING THE TOWN OF GERMANTOWN ZONING AND
SUBDIVISION LAW TO REGULATE SHORT-TERM RENTALS**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF GERMANTOWN AS
FOLLOWS:**

1. TITLE

This Local Law shall be referred to as “Short-Term Rental Local Law.”

2. AUTHORITY

This Short-Term Rental Local Law is adopted pursuant to sections 261-263 of the Town Law and Article 2, Section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

**3. THE ZONING AND SUBDIVISION LAW FOR THE TOWN OF GERMANTOWN IS
HEREBY REVISED BY ADDING SECTION CC TO ARTICLE VI AND
AMENDING SCHEDULE A: PERMITTED USES**

CC. Short-Term Rental

1. Purpose

The purpose of this Local Law is to address the use of housing units in the Town of Germantown for short-term rental purposes so as to enhance the tourism economy of the Town while protecting the safety of renters and the privacy for residences and freedom from nuisances; ensuring that the value of housing is tied to its use for residential purposes, helping to maintain the affordability of both home ownership and rental units; encouraging the development of appropriate sized short term rental facilities in the community while protecting existing inventory of long-term rentals and full-time residences. Consistent with the Town’s Comprehensive Plan, the goals of this Local Law specifically include:

- a. To ensure that future housing development occurs in ways that will meet the diverse needs of the residents of the community, protect the environment and natural resources and promote the integration of neighborhoods into a cohesive community.
- b. To preserve the rural character of Germantown and ensure that residential neighborhoods are not turned into commercial areas.
- c. To provide a legal framework that allows homeowners to rent their property in compliance with local and state regulations and to use their property in ways that create revenue for

themselves, while also bringing financial resources to our local community.

- d. To preserve the existing inventory of long-term rentals and full-time residences.
- e. To ensure short-term rentals are safe for guests and easily accessible to first responders.
- f. To help Germantown grow and adapt to the current tourism and the changing housing market, while keeping in mind the needs of our residents, schools, and local businesses.

2. Definitions

SHORT-TERM RENTAL (STR): Any rental or lease of a structure or portion thereof, for transient occupancy for a period or periods of less than thirty (30) consecutive days, irrespective of the stated term of the lease. Hotels, Motels, and Bed and Breakfasts, as defined herein, are excluded from this definition.

SHORT-TERM RENTAL UNIT (STR UNIT): A dwelling unit or portion thereof utilized for the purpose of Short-Term Rentals.

SEASONAL SHORT-TERM RENTAL: A Short-Term Rental of up to four (4) Seasonal Stay Units on one or multiple abutting properties, operated exclusively between May 15th through September 15th.

SEASONAL STAY UNIT: A structure or portion thereof utilized for the purpose of Seasonal Short-Term Rentals. Permissible Seasonal Stay Units include cabin, tent, yurt, and other types of portable shelter intended, designed or used for temporary human occupancy, each less than 200 square feet in area.

OWNER: Person(s) or entity(ies), including all persons that own any interest in and/or control the entity(ies), that own(s) the property being offered for Short-Term Rental.

DESIGNATED HOST: Person designated by the Owner to be the representative for the Owner in matters of service of communication and all other notices and emergencies related to the Short-Term Rental. The Designated Host shall be located within 25 miles of the Short-Term Rental Location and hold all STR-related keys.

SHORT-TERM RENTAL LOCATION: Property at which a Short-Term Rental Unit or Seasonal Stay Unit is located.

3. Applicability

The requirements of this Local Law shall apply to all Short-Term Rentals in the Town on the effective date of this Local Law. This Local Law is not intended to regulate appropriately permitted Hotels, Motels, Bed and Breakfasts, or dwelling units rented on a month-to-month or annual basis.

4. General Requirements

- a. Operation and advertisement of an STR requires a valid STR permit.

VERSION FOR DISCUSSION AT 2/6/24 MEETING

- i. “Vacation Exemption”: STR permits are not required for rentals of up to two times, totaling 30 days or less annually, provided, however, that the Owner must notify the Town Code Enforcement Officer via email or in writing, in advance of advertising, posting and/or renting an STR under the Vacation Exemption. Town notification shall include a completed STR self-certification form and the approximate time frame and length of the proposed STR.
 - ii. The STR permit number shall be included in any advertisement or listing for an STR that does not fall under the Vacation Exemption.
 - iii. All advertisements for STRs shall include the maximum number of occupants permitted in each STR Unit.
 - b. To be eligible to apply for an STR permit, the applicant needs to be the Owner of the STR Location and associated properties.
 - c. An Owner can apply for one (1) STR permit in a 12-month period.
 - d. STR permits are non-transferable and change of ownership of a permitted STR Location automatically leads to revocation of the STR permit except in non-third party transactions where no consideration is exchanged. In those circumstances, new ownership information must be promptly provided to the Code Enforcement Officer.
 - e. The total number of valid STR permits shall be limited relative to the percentage of the number of single-family residences (property type 210) total housing stock in the Town, based on the County property data, to 6%.
 - i. STR permits for Seasonal Stay STR permits are excluded from the above permit limitation and are not counted towards it.
 - ii. All available permits will be granted twice yearly. Applications received prior to April 15th are eligible for permits beginning April 30. Applications received prior to October 15th are eligible for permits beginning October 31.
 1. Applicants will be drawn in order of when they were received. Applicants drawn beyond the number of available permits will be placed, in order, on the waitlist.
 2. Selected applicants are required to pay the applicable fees and schedule the required inspections prior to the effective date of the permit cycle.
 3. If an applicant fails to meet the requirements under subsection 2 above, the permit will be offered to the next applicant on the waitlist.
 4. Applicants who do not receive a permit will be notified and can reapply during the next permit cycle.
 5. STR permits are a privilege that can be revoked for failure to comply with federal, state, or local laws or regulations. As there is a limit on available permits, all qualified applicants may not receive a permit.
 - f. STR Permit Application
 - i. The following information must be provided with any STR permit application:
 1. Proof of property ownership (i.e. deed).
 2. Owner and Designated Host information and contact details.
 3. A sketch of the STR Location showing all relevant property features relative to the STR Unit(s) or Seasonal Stay Unit(s), including number and location of bedrooms and other sleeping rooms, location of bathrooms and potable water, well, septic system, access gates,

accessory structures, bodies of water, parking, driveway, and location of fireplaces/woodstoves and/or outdoor fire pits.

4. Safety/egress plan.
 5. Parking plan, demonstrating capability to provide off-street parking for STR guests. Vehicles shall not be parked on front lawns and no parking shall be allowed outside of the parking spots designated on the permit.
 6. Maximum occupancy desired by the applicant. The Code Enforcement Officer shall establish the maximum occupancy based on the number, size, configuration, and furnishings of the bedrooms and/or sleeping rooms and per the provisions of the New York State Uniform Fire Prevention and Building Code. See occupancy limits below.
 7. The source of potable water and septic/public sewage shall be stated on the application. The applicant must provide documentation indicating that the septic system is functioning and of a proper size to support the number of bedrooms and/or STR Unit(s) and Seasonal Stay Unit(s) and shall otherwise demonstrate compliance with the Columbia County Sanitary Code regarding on-site sanitary sewage and water supply facilities.
 8. Documentation of location and existence of fire extinguishers and smoke/CO detectors in compliance with this Local Law and the NYS Uniform Fire Prevention and Building Code. Smoke and carbon monoxide detectors shall be installed in every bedroom and other sleeping room, and a fire extinguisher on every floor, all in good working order. For Seasonal STRs, documentation of location and existence of fire extinguisher(s), first aid kit(s), and flashlight(s) accessible to guests in each Seasonal Stay Unit.
- g. Owner Requirements:
- i. Owner will provide guests with name of the Owner and/or Designated Host with a telephone number at which that party can be reached on a twenty-four (24) hour basis.
 - ii. Safety/egress plan, to be posted inside each STR Unit or Seasonal Stay Unit in a visible location.
 - iii. A copy of the STR permit, to be posted inside each STR Unit or Seasonal Stay Unit in a visible location.
 - iv. Owner will provide confirmation that listed address aligns with Columbia County 911 and EMS System information, and dwelling has a County 911 emergency address marker that is visible from the road at all times.
 - v. Owner shall ensure performance standards in Article VIII, including but not limited to noise, be followed by all STR occupants and visitors.
 - vi. The Owner is required to maintain the STR in a manner so as to not violate the provisions of the Town Code or the Uniform Code, and such Owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such STR.

- vii. The Owner shall use reasonably prudent business practices to ensure that the STR complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.
- viii. The Owner shall limit occupancy of the STR to the maximum occupancy approved by the Code Enforcement Officer.
- ix. During all rental periods, the Owner or the Designated Host shall be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of STR and must respond in a timely manner when notified that occupants are violating laws regarding their occupancy in order to prevent reoccurrence. Failure of the Owner or the Designated Host to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the rental unit in a timely and appropriate manner is grounds for imposition of penalties or revocation of the STR permit. It is not intended that the Owner or Designated Host act as a peace officer or place himself/herself/themselves in a dangerous situation.
- x. The Owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the STR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any federal, state or local law or regulation.
- xi. Large gatherings are prohibited at STR Locations. Community standards in Germantown expect that residents and visitors will refrain from disturbing the surrounding neighborhood. Owners are responsible for clearly communicating the Town's community standards to their guests. Events, gatherings, parties, weddings, meetings, retreats or similar activities and disruptive gatherings of any size are expressly forbidden at STR Locations.
- h. Each STR Unit and Seasonal Stay Unit shall be inspected by the Code Enforcement Officer prior to issuance of an STR permit. Consent to such inspection shall be a condition of application.
 - i. An inspection shall fail if the Code Enforcement Officer determines pursuant to an inspection of the STR Location, and an inspection of Town records, that the property is not in full compliance with all applicable Federal, State and local laws, rules and regulations, including but not limited to, the New York State Uniform Fire Prevention and Building Code, the New York State Code Supplement, Columbia County Department of Health regulations, and any applicable provisions of the Town of Germantown Town Code, including this Zoning Law.
 - ii. Property owners denied a permit on this basis shall be permitted to re-apply for a permit after remedying the non-compliance to the satisfaction of the Code Enforcement Officer and after another inspection.

5. PERMITTING REQUIREMENTS FOR STRS

- a. STRs are permitted in all zoning districts as an accessory use to permitted residential uses, with a valid STR permit.
- b. STR permits are valid for 3 years from their effective date.
- c. Continuation Form:

VERSION FOR DISCUSSION AT 2/6/24 MEETING

- i. To confirm the continuation of the STR operation and prevent revocation of the STR permit, at the end of each 12-month period from the effective date of the permit (April 30 or October 31), the Owner must:
 - 1. Provide the Code Enforcement Officer with a completely filled out continuation form; and
 - 2. Pay the annual STR permit fee.
 - ii. Failure to provide the continuation form or the annual STR permit fee on time will cause the permit to be revoked.
- d. Occupancy Limits
 - i. There may be no more than five bedrooms and/or sleeping rooms in an STR.
 - ii. Each bedroom and/or sleeping room occupied by an STR guest shall accommodate no more than 2 guests, with the total number of guests including children (3 and older) not exceeding 10.
 - iii. Infants and children under the age of three shall not be counted as guests, or in the total thereof.
- e. The Owner must provide the contact information of a Designated Host, which may or may not be the Owner.
 - i. The Designated Host must have their fixed and established domicile within 25 miles of the STR Location.
 - ii. If the Designated Host or their contact information changes, the Code Enforcement Officer is to be notified immediately.
 - iii. The Owner or their Designated Host shall timely respond to the Town of Germantown Code Enforcement Officer, a Town of Germantown elected official, the NYS Police, the Columbia County Sheriff's Department, or the Town of Germantown Fire Department regarding emergencies, complaints, or damages related to the STR.

6. PERMITTING REQUIREMENTS FOR SEASONAL STRS

- a. Seasonal STRs are permitted in all zoning districts as an accessory use to permitted residential uses, with a valid STR permit.
 - i. A Seasonal Stay Unit must be located on one or more abutting parcels to the primary residential use.
 - ii. Seasonal STRs may be operated exclusively between May 15 through September 15.
- b. Seasonal STR permits are valid for 3 years from their effective date, subject to the receipt of an annual inspection by the Code Enforcement Officer.
- c. Continuation Form:
 - i. To confirm the continuation of the STR operation and prevent revocation of the STR permit, at the end of each 12-month period from the effective date of the permit (April 30 or October 31), the Owner must:
 - 1. Provide the Code Enforcement Officer with a completely filled out continuation form;
 - 2. Pay the annual STR permit fee; and
 - 3. Schedule and pay for the annual inspection.

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- d. Failure to provide the continuation form, the annual STR permit fee, or the annual inspection fee on time will cause the permit to be revoked.
- e. The number of permissible Seasonal Stay Units depends on the total size of the lots:
 - i. A Seasonal STR with up to four (4) Seasonal Stay Units counts as a single STR and requires only one permit.
 - ii. Temporary and permanent structures can be used as Seasonal Stay Units, but have to follow minimum setbacks and maximum lot coverage for the underlying zoning district per Schedule B: Dimensional Standards.
 - iii. All structures intended for use as a Seasonal STR are subject to all applicable federal, state, or local laws or regulations and this Zoning Law and require a temporary certificate of occupancy and/or certificate of compliance (if applicable).
 - iv. The minimum lot size to operate a Seasonal STR is three (3) acres, and makes the operation of one Seasonal Stay Unit permissible. Each additional Seasonal Stay Unit requires at least one additional acre in lot size. The maximum number of Seasonal Stay Units per Seasonal STR is 4 units, and requires a minimum of six (6) acres of land.

7. FEES

- a. An STR permit application fee is due with the permit application and annual continuation form.
- b. Prior to scheduling the STR inspection, an STR inspection fee is due. If an STR inspection is not passed, the applicant can request a re-inspection after correction of the issues noted. Prior to scheduling the re-inspection, the applicant shall pay an additional inspection fee.
- c. Once the unit passes inspection and prior to issuance of the STR permit, the STR annual permit fee is due.
- d. All fees are nonrefundable.
- e. All fees shall be set by resolution of the Town Board.

8. ENFORCEMENT

- a. Any person who uses, or allows the use of, property in violation of the provisions of this Local Law shall be subject to the enforcement, violations, penalties and remedies provided herein and in Article XV.
- b. Failure to correct a violation after Notice of Violation shall be grounds for immediate suspension or revocation of an STR permit.
- c. Upon the issuance of three or more Notices of Violation, the Code Enforcement Officer shall revoke the approved STR permit.
- d. An Owner shall be ineligible to apply for any STR permit for a period of twelve (12) months following revocation of an STR permit.
- e. An appeal may be made to the Zoning Board of Appeals from any decision of the Code Enforcement Officer within 45 days of the decision. Any suspension or revocation of an STR permit remains in effect unless modified by the Zoning Board of Appeals.

- f. Operating or advertising an STR without a valid STR permit is prohibited unless otherwise provided herein. Evidence of operation and/or advertisement may include guest testimony, either oral, written, or on rental websites; rental agreements; receipts; advertising; or any other evidence deemed relevant by the Code Enforcement Officer. Operating or advertising without a valid STR permit shall result in an Owner being ineligible to apply for an STR permit for a period of twelve (12) months.

9. APPLICATION TO EXISTING SHORT-TERM RENTALS

- a. Owners who operate existing STRs shall have six (6) months from the effective date of this local law to apply for an STR permit under this section.
- b. Existing STRs shall be allowed to continue operation until such time as a permit is issued or denied by the Code Enforcement Officer.
- c. To continue use as an STR, the Owner shall meet the following requirements:
 - i. Provide proof of operation as an STR prior to January 1, 2023;
 - ii. Submit a complete STR permit application;
 - iii. Pay all STR permit application, inspection, and annual fees; and
 - iv. Pass inspection.
- d. In the event that an STR permit is denied, an Owner of an existing STR must re-apply as a new STR in order to be permitted to operate as an STR.
- e. A structure permitted as an STR under this section may be enlarged or extended on a lot or land occupied by such use or structure, except that such enlargement or extension shall not result in any increases to occupancy limits under the STR permit.
- f. Existing STRs permitted under this section shall be allowed to operate, subject to application renewals, until such use is discontinued or ownership is transferred with the exception of non-third party transactions where no consideration is received.
- g. Existing STRs permitted under this section shall count toward the limit of one STR permit application in a 12-month period in Article VI.CC.4(c), such that an Owner who receives an STR permit(s) for existing STR(s) under this section is ineligible to apply for an additional STR permit for a new STR for a 12-month period.

SCHEDULE A: PERMITTED USES

P = Permitted as of right SCHEDULE A: PERMITTED USES SP = Special Permit Required Blank = Prohibited								
USE CATEGORY	NR	AR	RR	HR	HMU	HC	BD	Additional Standards
RESIDENTIAL USES								
Dwelling, single-family	P	P	P	P	P		P	
Dwelling, two-family		SP	P	P	P			
Dwelling, multi-family				SP	SP			Article VI, O
Dwelling, new conversion of existing single family to two or multi-family	SP	SP	SP	SP	SP			
Dwelling, seasonal cottage, cabin	P	SP	SP					
Dwelling, units above first floor commercial	P	P	P	P	P	P		
Manufactured Home Park						SP		Article VI, M

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Residential Care Facility			SP	P				
Townhouses			SP	P				
COMMUNITY USES								
Cemetery		SP	SP	SP				
College, University, Vocational School			SP		P	P	P	
Community Center	SP	SP	SP	P	P	P	P	
Cultural facility		SP	SP	SP	P	P		
Daycare, child/family daycare facility		P	P	P	P	P		
Municipal facility	SP	P	P	P	P	P	P	
Park and recreation, public	P	P	P	P	P	P		
Public Transportation Shelter		SP	SP	SP	SP	SP	SP	
Public utility (unless otherwise listed)	SP	SP	SP	SP	SP	SP	SP	
Religious institution and related facilities	P	P	P	P	P	P	P	
Schools, elementary/secondary, public or private		SP	SP	SP	SP	SP		
Wireless Communications Towers			SP					Article VI, AA
COMMERCIAL USES								
Adult Uses							SP	Article VI, A
Agriculture, excluding animal husbandry	P	P	P	P	P	P	P	Article VI, F
Animal Husbandry (raising of livestock)	P	P	P				P	Article VI, I
Art Gallery				SP	P	P		
Artist Studio, Artist Loft	P	P	P	P	P	P	P	
Assembly and meeting facility					SP	P		
Bar or tavern					SP	SP		
Battery Energy Storage System, Tier 2	SP*	SP*	SP*	SP*	SP*	SP*	SP*	Article VI, BB
Bed and Breakfast	SP	SP	SP	P	P	P		
Broadcasting facility, radio or television						P	P	
Car Wash						SP		Article VI, B
Entertainment and recreation, indoor, commercial					SP	P	P	
Entertainment and Recreation, outdoor, commercial						SP	SP	Article VI, E
Extraction, private (quarries, clay, sand and gravel pits)		SP						
Funeral homes				P	P	P		
Gasoline Station, with/without Convenience Store						SP		Article VI, G
Greenhouse, plant nursery	P	SP	SP			P		
Hotel or Inn					P	P		
Kennel or Animal Shelter		SP	SP			P		Article VI, K
Light Industry (not listed separately in Schedule A)							P	
Membership Club	SP	SP	SP	SP	P	P	P	
Motel						P		
Motorized Vehicle Sales, Lease or Rental Establishment						P		
Motor Vehicle Repair Garage						P	P	Article VI, N
Office, Professional or General				SP	P	P	P	
Research and Development Facility					P	P	P	
Restaurant				SP	P	P		

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Retail and Service Establishment (not listed separately in Schedule A)					P	P		
Riding Academy	SP	SP	SP					Article VI, H
Saw Mill		SP						Article VI, T
Self Storage Unit Facility							SP	Article VI, U
Solar Energy Storage System, Tier 3		SP**	SP**				SP**	Article VI, BB
Sportsman's Club and Outdoor Firing Ranges	SP	SP						Article VI, P
Trucking Terminal							P	Article VI, X
Veterinarian, Veterinary Hospital or Clinic		SP	SP			P		
Warehouse							P	
Wholesale and Distribution Facility						SP	P	
ACCESSORY STRUCTURES AND USES								
Accessory Apartment to single family dwelling	SP	SP	SP	SP	SP	SP		Art. IV, C.3.b
Battery Energy Storage System, Tier 1	P*	P*	P*	P*	P*	P*	P*	Article VI, BB
Customary accessory structure or use	P	P	P	P	P	P	P	
Drive-through windows						SP		Article VI, C
Elder Cottage Housing (ECHO Unit)	SP	SP	SP	SP				Article VI, D
Farm Stands, temporary	P	P	P	P	P	P	P	Article VI, F
Farm Stands, permanent	SP	SP	SP	SP	P	P	P	Article VI, F
Greenhouse, commercial, accessory to residence	SP	SP	SP	SP	P	P		
Home Occupation, Minor or Major	P	P	P	P	P	P	P	Article VI, H
Housing, temporary for farm workforce	SP	SP	SP	SP				Article VI, J
Outdoor Storage, commercial use							P	Article VI, Q
Outdoor Storage, residential	P	P	P	P	P	P	P	Article VI, R
Outdoor Wood Furnace/Boiler	P	P	P					Article VI, S
Short-Term Rental	P	P	P	P	P	P	P	Article VI, CC
Seasonal Short-Term Rental	P	P	P	P	P	P	P	Article VI, CC
Solar Energy System, Tier 1 and Tier 2	P*	P*	P*	P*	P*	P*	P*	
Tractor trailers, tandem-axle, tri-axle, other vehicles of 18,000 pounds or more, except for agricultural use	SP	SP	SP	SP				Article VI, Y
Wind Energy System, Small	SP	SP	SP	SP	SP	SP	SP	Article VI, Z

***Within the SVO, SP and Site Plan required.**

****Prohibited within the SVO**

4. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

5. EFFECTIVE DATE

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.