

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

December 14, 2022

Town Clerk
Town of Conesville
1300 State Route 990V
Gilboa NY 12076

RE: Town of Conesville, Local Law 2 2022, filed on December 8 2022

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

SHORT TERM RENTAL REGULATIONS

of the Town of Conesville

Local Law 2 of 2022

Section 1-A local law providing those properties being rented on a short-term transient basis meet certain minimum safety and regulatory requirements set by New York State that ensures the safety, general welfare and health of persons occupying short term rentals, neighboring properties while protecting potential liability against the Town of Conesville.

Section 2-Purpose

With the current increase in tourism in the Town of Conesville and surrounding communities, there has been an increase in the number of property owners renting to tourists and visitors on a short-term transient basis. The purpose of this local law is to regulate short term rentals (STR) allowing permitted residents of the Town of Conesville to take advantage of the economic benefits of STR's, while protecting the renters and all residents of the Town of Conesville that comply with minimum safety and regulatory requirements set by New York State. This local law establishes regulations and standards for all Town of Conesville property owners that desire to rent on a short-term transient basis.

Section 3-Definitions

The following words, terms, and phrases, when used in this Law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A- Guest - A renter at a Short-Term Rental who occupies such STR on an overnight basis for a period of not more than thirty (30) days.
- B- Hosted Property- owner resides on the property on which an STR is located.
- C- Local Property Manager (LPM)/Emergency Contact – A person living within thirty (30) miles of the un-hosted Property STR and available to respond within one (1) hour. Responsibilities of the LPM can include handling the day-to-day operation of the STR, assuring that all rules and regulations are met by guests including noise, parking and garbage disposal and shall respond to all complaints from the Town or public. Name, address, and all contact information of the LPM must be filed with the permit application to the Town.
- D- Operator- Person or entity that conducts the business of the STR.
- E- Owner- An individual or group of individuals who has legal or equitable title to the STR property.
- F- Property- A parcel of land and any dwellings and structures contained on it located within the boundaries of the Town of Conesville.
- G- Short Term Rental- A primary residence or dwelling unit or sleeping unit that is rented or leased in whole or part to one entity for not more than thirty (30) days. Any dwelling unit, which is rented or leased to individuals, or families who then allow others to occupy the dwelling for not more than thirty (30) days, shall be considered a short-term rental and will require a permit for such. 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.

- H- Un-hosted Property- owner not living on the STR property but must have a Local Property Manager on file with the Town.

(2)

Section 4-Regulations

- A- Every new STR within the Town of Conesville must obtain a permit prior to commencing operation, and every existing STR within the Town of Conesville shall apply for an initial permit within ninety (90) days of the effective date of this local law from the Town Code Enforcement Official (hereafter referred to as CEO).
- B- Nonpermanent Structures, Tents, Trailers, Recreational Vehicles, and other camping units are not contemplated hereunder.
- C- Permits shall be applicable to one tax parcel only. If the STR covers more than one parcel, the owner must obtain a permit for each parcel utilized as an STR.
- D- STR permits shall be issued only to the property owner of the STR being registered and may not be transferred or assigned by the Owner listed on the application and shall not be conveyed with a sale or transfer of the property.
- E- Each permit shall have a term of one year expiring one year from issuance. Existing permits must be renewed at least thirty days (applications are due to the Town Clerk) prior to the expected expiration of the existing STR permit by submitting a complete application with the appropriate fee. All permits will be renewed when appropriate inspections are completed.
- F- The CEO, within thirty days of the receipt of a complete application, shall conduct an initial inspection of the following items and upon completion and compliance, the initial permit shall be issued.
- 1- The structure has a valid certificate of occupancy or compliance.
 - 2- The structure meets NYS Building Code and does not pose a hazard to life, health, or public safety, based on the on-site inspection by the Town CEO.
 - 3- The applicant must have on file a water test result of the potable water supply of the rented dwelling that complies with Subpart 5-1 (non- community water system) of the New York State Sanitary Code. Subsequent water tests shall be required upon annual renewal of the STR permit.
 - 4- The occupancy of the building utilized for the STR shall not exceed the number of persons approved by the CEO based upon bedrooms, in accordance with the current New York State Building Code.
 - 5- A maximum capacity of two guests per bedroom shall be permitted.
 - 6- All parking for STR's must occur on the permitted parcel. No parking on any roads by STR guests, renters or visitors will be allowed unless approved by the Town Highway Superintendent at the time of the initial application and inspection and will be noted on the issued permit. Failure to comply with the requirements herein shall result in a possible revocation of the permit until remedied and approved by the CEO and Highway Superintendent.
 - 7- The applicant shall provide the Emergency Contact/LPM contact numbers on the application and shall prominently display such information in the STR. All emergency calls from any official or renter must be responded to within sixty minutes.
 - 8- Proof of hazard/liability insurance in an appropriate amount shall be provided with the application.
 - 9- The 911 address of the rental property shall be prominently displayed at the roadside of the property in numbers at least four inches high.

10- STRs shall prominently display the following information: name, address, phone number and email address of the owner (Hosted Property) or Local Property Manager (Un-hosted Property) who will be available for problems with the STR or emergencies that may arise; instructions on dialing 911 for emergency fire/ambulance assistance(including STR street address and town); a property map that clearly depicts the STR property boundaries; instructions for garbage/waste disposal (approved container shall be provided by STR owner). This information must be updated if any changes occur, and the CEO must be notified of such within one business day of the change.

11-In all STRs, a fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating all of the following:

(a) Means of egress.

(b) Location of means for transmitting fire alarms, if any.

(c) Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

12-Fire safety requirements including smoke alarms, CO2 alarms, fire extinguishers and egress will be in accordance with the current New York State Fire Code. Fire extinguisher certification is required every twelve months.

(4)

G- A failure to obtain an STR Permit as required by this Section (Section 4) of this law shall be punishable by a fine of \$250. A judgement of any additional offenses, within a period of five years of the first judgement, shall be punishable by a fine of \$500. Each full week that the violation continues shall be deemed a separate offense.

Section 5- Inspections

The CEO shall perform annual fire and safety inspections by appointment to determine the condition of short-term rentals to ensure compliance with this chapter and other applicable laws, To perform inspections, the code official may enter, examine, and survey, during reasonable hours, all buildings, dwelling units, guest rooms and premises on presentation of the proper credentials. The Owner or Host of an establishment, or the person in charge, shall give the code official free access to the building without interference or inconvenience to the guests at the STR.

Section 6-Enforcement

A- Whenever the CEO finds on inspection of the physical premises or review of applicable records of any short-term rental, that conditions or practices exist that violate any provision of these regulations, the Property Maintenance Code, or any other Law, Rule or Regulation, or that the establishment has failed to comply with any provision, prohibition or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of county occupancy taxes, the CEO shall serve upon the Owner or Host either an Order, in writing, directing that the conditions therein be remedied within the time specified in the Order or an Appearance Ticket requiring the holder of such permit to appear before the Town Justice of the Town of Conesville at a time to be specified in such summons. Said order or summons shall be served personally or by certified mail.

B- Section 13-Penalties for Offenses

Any person or persons who shall violate any provisions of this chapter shall be guilty of a violation punishable by a fine of not more than \$250 for the first offense and \$500 for each subsequent offenses for the same violation.

Section 7- Fees- Fees will be by resolution of the Town Board.

Section 8- Separability- Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

Section 9- Effective Date – The effective date of this Local Law will be the date of entry into the files of the New York Department of State.