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(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 of Hillsdale  
Village

Local Law No. 2 of the year 2019

A local law amending the Zoning and Land Use Control Law of the Town of Hillsdale with respect to the regulation of lodging facilities and transient rentals.

Be it enacted by the Town Board of the

County  
City  
Town of Hillsdale as follows:  
Village

### **Section 1. Findings and Purposes.**

The Town Board finds that it is in the interest of the public health and safety to regulate the use of lodging facilities for transient guests occurring within the Town through the enactment of the following changes and additions to the provisions of the Zoning and Land Use Control Law of the Town of Hillsdale.

### **Section 2. Amendment to Caption of Section 8.8**

The caption to Section 8.8 of Chapter 8 of the Zoning and Land Use Control Law is amended to read as follows:

Section 8.8: Boarding Houses and Lodging Facilities:

### **Section 3. Addition of Section 8.8-3**

A new sub Section 8.8-3 is added to the Zoning and Land Use Control Law to read as follows:

8.8-3: All lodging facilities shall have an owner, manager, or authorized representative of the owner residing within twenty miles of the lodging facility, and shall file the complete contact information (name, address, telephone number and e-mail address) for such person with the Town of Hillsdale Building Department.

#### **Section 4. Amendment of Definition of Term “Lodging Facility” Under Section 14.2**

Under Section 14.2 of the Zoning and Land Use Control Law, the definition of the term “Lodging Facility” is amended to read as follows:

14.2: Lodging Facility: Any hotel, motel, inn, bed and breakfast, dwelling unit or other establishment providing sleeping accommodations to transient guests for compensation.

#### **Section 5. Amendment to Section 14.2 To Add A Definition of Term “Transient Guest”**

Section 14.2 of the Zoning and Land Use Control Law is amended to add a definition of the term transient guest to read as follows:

Transient Guest: Any person visiting or residing in the Town of Hillsdale for a period of less than thirty days.

#### **Section 6. Amendment to Section 14.2 To Add A Definition of Term “Transient Rental”**

Section 14.2 of the Zoning and Land Use Control Law is amended to add a definition of the term transient rental to read as follows:

Transient Rental: The rental or lease of any dwelling unit to a Transient Guest for a period of less than thirty days.

#### **Section 7. Addition of Section 18.19**

A new Section 18.19 is added to the Zoning and Land Use Control Law to read as follows:

##### **8.19 Transient Rental Regulations**

A. Transient Rentals shall only be permitted subject to issuance of a Transient Rental License, renewable annually and subject to the following requirements:

- a. Submittal of a completed, fully executed Transient Rental License Application or Transient Rental License Renewal Application, with applicable license fee(s) as established by resolution of the Town Board.
- b. The Transient Rental shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with all applicable provisions of the Town Code and the Uniform Code.
- c. The Transient Rental shall be in compliance with all applicable provisions of the Fire Code. In order to ensure such compliance, the

Transient Rental License Application and Transient Rental License Renewal Application shall contain a statement, to be certified by the owner, at the time of initial application and renewal application, that all means of egress are clear of obstructions and comply with all applicable provisions of the Fire Code as of the date of such certification, and that smoke-detecting devices are maintained in compliance with the Fire Code.

- d. Upon the filing of the initial Transient Rental License Application, and at least once every three years thereafter, all Transient Rentals shall be inspected by the Building Inspector for compliance with the Fire Code. The owner shall be responsible for payment of applicable inspection fee(s) as established by resolution of the Town Board.
- e. The total number of conventional bedrooms on the premises shall not exceed the number indicated on the certificate of occupancy or certificate of compliance and the filed building plans for all structures on the premises.
- f. Occupancy of a Transient Rental shall not exceed two persons per conventional bedroom.
- g. The owner of a Transient Rental shall maintain a rental registry on premises showing the dates of rental and tenant names and contact information and shall make the rental registry available to the Town for examination promptly upon request. Rental registry records shall be preserved a minimum of three years.
- h. No signs advertising a Transient Rental shall be allowed.
- i. All Transient Rentals must maintain a local contact person. The owner shall provide to the Town current contact information of the local contact person, including the name, address, phone number, and email address.
- j. The local contact person shall be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Transient Rental and must respond promptly to any such complaints.
- k. If the owner's principal residence is not located within the county, the owner must designate the local contact person or other agent who resides in the county as the owner's agent for service of legal process and all notices may be served or delivered.

- l. The owner shall be responsible to ensure that the occupants and/or guests of the Transient Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provision of the Town Code or any state law.
- m. The Transient Rental License may not be transferred or assigned. The license does not authorize any person, other than the person named therein, to operate a Transient Rental on the property.

**B. Timeline for Compliance and Term.**

- a. Within 90 days after the effective date of this Section, the owner of each Transient Rental existing on such effective date shall file with the Town Building Inspector a completed, fully executed Transient Rental License Application. The owner of each rental unit constructed after the effective date of this chapter shall file with the Town Building Inspector a completed, fully executed Transient Rental License Application as herein provided prior to any initial occupancy.
- b. A Transient Rental License issued pursuant to this Section shall expire one year after the date of issuance, unless sooner revoked. Renewal of the Transient Rental License is due 30 days prior to its expiration and requires payment of the annual fee. If applicable, any change of address, local contact person, agent, or any other registration information shall be submitted at the time of renewal.

**C. Advertising.**

The following applies to all advertising of Transient Rentals:

- a. The current Transient Rental License number assigned by the Town for the advertised Transient Rental must be displayed; and
- b. The listed occupancy of the advertised Transient Rental must not exceed the maximum allowed by the Transient Rental License; and
- c. Failure to include the required information in advertising shall be a violation of this chapter.

**Section 8. Effective Date.**

This Local Law shall take effect in accordance with the provisions of Town Law.

(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. 2 of 2019 of the (County)(City)(Town)(Village) of Hillsdale was duly passed by the Town Board on \_\_\_\_\_, 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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and was (approved)(not disapproved)(repassed after

(Name of Legislative Body)

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, \_\_\_\_\_, (Elective Chief Executive Officer\*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and (approved)(not disapproved)(repassed

(Name of Legislative Body)

after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_. Such local law was submitted to (Elective Chief Executive Officer\*)

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 \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and (approved)(not disapproved)(repassed

(Name of Legislative Body)

after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_. Such local law was subject to (Elective Chief Executive Officer\*)

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, \_\_\_\_\_, in accordance with the applicable provisions of law.

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**\*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 \_\_\_\_\_ 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 \_\_\_\_\_, \_\_\_\_\_ 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 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, \_\_\_\_\_, 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  
or officer designated by local legislative body

**Kathi Doolan, Town Clerk**

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature      Matthew D. Cabral, Esq.  
   Town Attorney  
   Title

County  
City  
Town of Hillsdale  
Village  
Date: \_\_\_\_\_