

TOWN BOARD OF THE TOWN OF COPAKE, NEW YORK

# A Local Law to Regulate Short-Term Rentals in the Town of Copake

Local Law No. 11 of 2023

*AS ENACTED: December 28, 2023*

Be it enacted by the Town Board of the Town of Copake as follows:

## Section 1. Title.

This law shall be known as the "Town of Copake Short-Term Rental Law". It may be cited as "Town of Copake Local Law No. 11 of 2023" or "L.L. 11 of 2023".

§ 2. Purpose and Intent. Short-term rental of residential property has frequently been cited for both positive and negative attributes. Among the positive impacts asserted by supporters of short-term rentals, owners of residential properties may benefit from or rely on income derived from the short-term rental of their properties and the presence of short-term visitors may be beneficial to local businesses. Concerns, however, have also arisen about adverse impacts of transient occupants who may be insensitive to the interests of a neighborhood to which they lack community ties, and about the potential displacement of affordable long-term residential rentals by short-term occupancies.

The purpose of this Local Law is to balance the rights and interests of homeowners and property owners who may obtain income from the short-term rental of their properties with the interests of neighbors and the community, to ensure that the use of property for short-term rental to transient guests does not adversely affect nearby properties and does not impair the rights of nearby landowners and residents to peacefully enjoy their residences and properties.

§ 3. The following definitions are added to section 232-3 of the Code of the Town of Copake:

**SHORT-TERM RENTAL (STR)** – Rental of a dwelling unit or a portion thereof within a one-family dwelling, two-family dwelling, multifamily dwelling, or accessory dwelling unit to provide lodging for a transient guest or two or more associated transient guests, for a period of less than thirty consecutive (30) days, in exchange for compensation, consideration, or anything of value, or the premises used therefor. Short-Term Rental expressly excludes any use classified as and permitted by the Town of Copake as a hotel, motel, campground, bed & breakfast, dormitory, resort hotel, lodge or ranch, farm stay, or other use allowed under Table 2, the Table of Use Regulations, and farm worker housing.

**SHORT-TERM RENTAL, ENHANCED** – A Short-Term Rental that is rented, or will be rented, to one or more STR Guests for a total of more than 120 days of non-exempt rental during a one-year period.

STR GUEST – Any and each person, whether alone or as part of a group, staying in, or having obtained the right to stay in, a dwelling or dwelling unit used for Short-Term Rental in exchange for compensation, consideration, or anything of value, for a period of less than thirty days. Any person on the premises between the hours of 12:00 midnight and 6:00 AM shall be counted as an STR Guest.

STR OWNER – The person, persons, or legal entity holding title to the premises used as a Short-Term Rental.

§ 4. The following definition in section 232-3 of the Code of the Town of Copake is amended to read as follows:

TRANSIENT – Occupancy, or the right to occupancy, of not more than twenty-nine consecutive days.

§ 5. The definitions of “Boardinghouse” and “Tourist House” are repealed and removed from section 232-3 and from the Table of Use Regulations of Chapter 232 (Zoning) of the Code of the Town of Copake.

§ 6. The use “Short-Term Rental” is added as a General Use to the Table of Use Regulations of Chapter 232 (Zoning) of the Code of the Town of Copake as a permitted use in all zoning districts.

§ 7. The use “Short-Term Rental, Enhanced” is added as a General Use to the Table of Use Regulations of Chapter 232 (Zoning) of the Code of the Town of Copake as a use requiring a special use permit in all zoning districts.

§ 8. Section 232-16.8 of Article VI of Chapter 232 of the Code of the Town of Copake, entitled “One-Family Dwelling” is repealed, and a new Section 232-16.8, entitled “Short-Term Rentals”, is added to Article VI of Chapter 232 of the Code of the Town of Copake, as follows:

§ 232-16.8. Short-Term Rentals.

- A. Short-Term Rentals are allowed only in one-family dwellings, two-family dwellings, and accessory dwelling units, in multifamily dwellings as provided in subdivision D of this section, and prohibited elsewhere. Where a Short-Term Rental is to be located in an accessory dwelling, both the accessory dwelling and the principal dwelling to which it is accessory must have the same owner.
- B. Short-Term Rental for up to 120 days in aggregate in a one-year period is a permitted use in all zoning districts upon compliance with all provisions of this section. No STR may be rented to STR Guests for more than 120 days in a one-year period except upon compliance with all provisions governing Enhanced Short-Term Rentals. Notwithstanding its classification in the Table of Uses as a general use, Short-Term Rental that is not an Enhanced Short-Term Rental is exempt from site plan review.
- C. Enhanced Short-Term Rental. Short-Term Rental (STR) that is or is expected to be rented to STR Guests for a total of more than 120 days during a one-year period, not counting

rentals exempt under subdivision E of this section, shall be designated an Enhanced Short-Term Rental (Enhanced STR). Enhanced Short-Term Rental in a one-family dwelling, two-family dwelling, or accessory dwelling unit requires a special use permit and site plan approval.

- D. STR in multifamily dwellings. Notwithstanding any other provision of this section or the Table of Use Regulations that imposes a special use permit or site plan review requirement upon Enhanced STR, a single dwelling unit in a multifamily dwelling in any zoning district in which multifamily dwellings are permitted shall be permitted to be used for STR or Enhanced STR, without the need to obtain an additional or amended special use permit or site plan approval for such STR use, provided that the dwelling otherwise complies with all requirements of this chapter applicable to multifamily dwellings and the Owner obtains and maintains a valid STR Operating Permit in accordance with Chapter 187 of the Code of the Town of Copake. Use of more than one dwelling unit in a multifamily dwelling for STR is prohibited.
- E. Exempt Rentals. The following rentals are permitted and exempt from the requirements of this section, and rentals that are exempt under this subdivision are not counted toward the 120 day Short-Term Rental maximum.
1. Short-term rental of a room or rooms in a dwelling unit in which the owner is in concurrent occupancy, or in an accessory dwelling unit and the owner is in concurrent occupancy in the principal dwelling on the parcel, and the owner is present overnight during the entire rental period. If the owner is a legal entity, the owner's concurrent occupancy requirement may be satisfied by a person who is a principal owner or officer of the owning entity.
  2. Any property, dwelling, dwelling unit, or portion of a dwelling unit that is only rented out to a renter or group of renters for periods of thirty consecutive days or more.
  3. A use classified as and permitted by the Town of Copake as a hotel, motel, campground, bed & breakfast, dormitory, resort hotel, lodge or ranch, farm stay, or other use allowed under the Table of Use Regulations, Table 2 of Chapter 232 of the Code of the Town of Copake, or farm worker housing.
- F. Enhanced STR: Special use permit, site plan review, and special provisions. In addition to being subject to and complying with all other provisions of this chapter applicable to STRs generally, an Enhanced STR shall be permitted only upon obtaining a special use permit and site plan approval in accordance with this chapter, and no parcel, building, or structure, or any portion thereof, shall be used for Enhanced STR except pursuant to a special use permit and site plan approval, except within a multifamily dwelling as permitted by subdivision D of this section.
1. A special use permit for Enhanced STR shall be limited in duration and shall be valid for a term of three (3) years.
    - (a) No earlier than six (6) months prior to, and no later than sixty (60) days after the expiration of such special use permit, the owner may apply for an expedited

renewal of the special permit for a three (3) year period.

- (b) Application requirements for an expedited renewal shall be limited to an attestation by the applicant that the Enhanced STR remains in conformity with the prior special use permit and site plan approval and verification that the applicant's STR Operating Permit for the premises had not been suspended or revoked during the term of the most recent special use permit.
  - (c) Such expedited renewal shall, however, be subject to the public hearing and notice provisions generally applicable to special use permit review.
  - (d) If a renewal application for an Enhanced STR special use permit is made outside of the renewal window set forth above, or when there has been, during the term of the most recently issued special use permit, a suspension of the STR Operating Permit pursuant to chapter 187 of the Code of the Town of Copake or the STR is not in conformity with its most recent prior special use permit and site plan approval, such application shall be treated as a new application and subject to a complete special use permit review.
2. In addition to the general considerations for site plan and special use permit approvals as set forth in sections 232-21(J.) and 232-23(D.), special use permit and site plan review for Enhanced STR shall ensure the following:
- (a) Provision by the owner of exterior trash containers of a type and capacity sufficient to contain and secure from animals all trash generated by STR Guests.
  - (b) At least one on-site parking space for each three STR Guests, based upon the maximum allowable occupancy of the dwelling unit used for Enhanced STR.
  - (c) The circumstances and conditions of the subject property ensure that the property's or dwelling unit's use as an Enhanced STR will not substantially interfere with the ability of neighbors to peacefully enjoy their own properties.
  - (d) Sufficient space, buffering or screening exists or is installed to mitigate noise, light, or other impacts that may substantially adversely affect nearby residences and the immediate neighborhood.

G. In addition to the provisions of this chapter, Short-Term Rentals, except those exempt pursuant to subdivision D of this section, are required to obtain a Short-Term Rental Operating Permit in accordance with Chapter 187 of the Code of the Town of Copake.

§ 9. A new Chapter 187 entitled "Short-Term Rentals" is added to the Code of the Town of Copake, to read as follows.

#### 187-1. Definitions.

SHORT-TERM RENTAL (STR) – Rental of a dwelling unit or a portion thereof within a one-family dwelling, two-family dwelling, multifamily dwelling, or accessory dwelling unit to provide lodging for a transient guest or two or more associated transient guests, for a period of

less than thirty consecutive (30) days, in exchange for compensation, consideration, or anything of value, or the premises used therefor. Short-Term Rental expressly excludes any use classified as and permitted by the Town of Copake as a hotel, motel, campground, bed & breakfast, dormitory, resort hotel, lodge or ranch, farm stay, or other use allowed under Table 2, the Table of Use Regulations, and farm worker housing.

**SHORT-TERM RENTAL, ENHANCED** – A Short-Term Rental that is rented, or will be rented, to one or more STR Guests for a total of more than 120 days of non-exempt rental during a one-year period.

**STR BACK-UP CONTACT** – The person who will be contacted by neighbors, the Town, or a representative or agent of the Town to respond to immediate complaints or issues arising from a Short-Term Rental in the event the STR Designated Contact cannot be timely reached. The STR Back-up Contact may be the Owner or a person designated and identified by the Owner.

**STR DESIGNATED CONTACT** – The primary person who will be contacted by neighbors, the Town, or a representative or agent of the Town to respond to immediate complaints or issues arising from a Short-Term Rental. The STR Designated Contact may be the Owner or a person designated and identified by the Owner.

**STR GUEST** – Any and each person, whether alone or as part of a group, staying in, or having obtained the right to stay in, a dwelling or dwelling unit in exchange for compensation, consideration, or anything of value, for a period of less than thirty days. Any person on the premises between the hours of 12:00 midnight and 6:00 AM shall be counted as an STR Guest.

**STR OWNER** – The person, persons, or legal entity holding title to the premises used as a Short-Term Rental.

#### 187-2. Registration and Operating Permit required; general limitations.

- A. No building, property, or premises within the Town of Copake shall be used for Short-Term Rental, including Enhanced Short-Term Rental, except in accordance with a valid and effective Short-Term Rental Operating Permit issued by the Town, provided, however, that no registration or Operating Permit shall be required for a Short-Term Rental deemed exempt pursuant to section 187-5 of this chapter.
- B. Except as provided in this section, the maximum number of days that an Owner may rent to STR Guests at a permitted location during a one-year Operating Permit shall be one hundred twenty. Each day of Short-Term Rental exceeding one hundred twenty within the one-year term of an STR Operating Permit, except as authorized by a valid Enhanced STR Operating Permit, shall be a violation.
- C. In the event a dwelling unit used for Short-Term Rental is, or is expected to be, rented to one or more STR Guests for more than one hundred twenty days during a one-year Operating Permit period and is not exempt pursuant to section 187-5 of this chapter, such rental shall be designated an Enhanced Short-Term Rental (Enhanced STR) and shall be required to obtain an STR Operating Permit authorizing Enhanced STR and be subject to



all requirements applicable to an Enhanced STR.

- D. No Short-Term Rental Operating Permit shall be issued by the Town for Enhanced STR in a one-family, two-family, or accessory dwelling unless a valid special use permit and site plan approval has been issued and remains in effect for such use.
- E. Any STR permit issued to an Enhanced STR shall immediately terminate and become void upon the termination or revocation of the special use permit or site plan approval under which the STR operates.

#### 187-3. Operating Permits.

- A. Application for a Short-Term Rental Operating Permit and registration shall be made on a form provided by the Town and shall include the following:

- 1. Name, address, and contact information of the STR Owner of the dwelling for which the permit is sought. If the owner is a legal entity, such information must also be provided for a principal officer of such entity who is authorized to act in the name of and on behalf of such entity. If more than one person or entity has an ownership interest in the property on which the STR is located, which shall include each member of a limited liability company identified as an Owner, information for each such person or entity must be provided. Required contact information shall include the following:

- (a) Name of the Owner.
- (b) Address of the Owner.
- (c) Mailing address of the Owner.
- (d) e-mail address of the Owner.
- (e) Telephone number at which the Owner can be reliably contacted at any time.
- (f) Name and address of each additional Owner or person or entity with ownership interest.

- 2. The physical address, 911 address, and mailing address of the dwelling for which the permit is sought.

- 3. Name, address, and contact information for the STR Designated Contact. Required contact information shall include the following:

- (a) Physical home, daytime, and nighttime address of the STR Designated Contact.
- (b) e-mail address of the STR Designated Contact.
- (c) Telephone number at which the STR Designated Contact can be reliably contacted at any time.

- 4. Name, address, and contact information for the STR Back-up Contact. Required contact information shall include the following:

- (a) Physical home, daytime, and nighttime address of the back-up contact.
- (b) e-mail address of the STR Back-up Contact.
- (c) Telephone number at which the STR Back-up Contact can be reliably contacted at any time.

5. Every application shall provide contact information for both a primary STR Designated Contact and a secondary STR Back-up Contact, one of whom may be the Owner.
6. Proof of ownership of the property and dwelling where the STR will be located. This may be shown by a copy of a deed for the property or by reference to the most recent tax roll.
7. The number of bedrooms in the dwelling.
8. The number of bedrooms in the dwelling to be made available for Short-Term Rental.
9. In the case of an application for an initial Operating Permit, certified mail receipts demonstrating notification to abutting property owners complying with subdivision (B.)(1.) of this section;
10. An attestation by the STR Owner, stating the following:
  - (a) that the STR premises and dwelling in which the STR is located are in compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, including but not limited to the following:
    - [1] that a fully-functioning smoke detector is installed and will be maintained at all times in each bedroom or room used for sleeping purposes to be used for STR, in each hallway to which any such bedroom or sleeping room adjoins, and on each story of each dwelling unit within the premises;
    - [2] that in any dwelling with a fuel-burning furnace, stove, heater, wood stove, or other device or appliance, a carbon monoxide detector is installed and shall be maintained at all times in each room or space in which such device or appliance is located, and in each hallway to which any bedroom or sleeping area used for STR adjoins;
    - [3] that any additional such devices shall also be provided and maintained within the dwelling in which the STR is located as otherwise required by the New York State Uniform Fire Prevention and Building Code;
    - [4] that each STR bedroom contains an emergency escape and rescue opening that complies with the New York State Uniform Fire Prevention and Building Code;
  - (b) that no STR bedroom in a one-family, two-family or accessory dwelling is located above the second story above grade plane;
  - (c) that the notice of intent to operate a Short-Term Rental and applicable contact information have been provided to abutting property owners in accordance with subsection (B.)(1.) of this section;
  - (d) that property taxes on the parcel on which the STR is to be located are paid in full;

- (e) that the STR Owner will promptly notify the Code Enforcement Officer in the event any information or statement made on the application changes or ceases to be true and correct;
    - (f) that the STR Owner is familiar with and agrees to comply with the requirements of this chapter.
  - 11. The application shall include a statement, attested to and signed by the STR Owner under penalty of perjury, that such signatory possesses legal title to the subject STR premises, that all Owners have executed the application document or that the signatory is authorized to execute the document on behalf of all Owners, and that all information and statements provided on the application are true and correct.
  - 12. The Town Board may, by resolution, require additional information to be provided on the application form.
- B. Conditions of Operating Permit issuance.
- 1. Prior to the issuance of an initial Short-Term Rental Operating Permit, the applicant Owner shall provide notice by certified mail of the Owner's intent to operate a Short-Term Rental and the name and contact information of the STR Designated Contact and STR Back-up Contact to the owners of every property that both abuts the property on which the STR is to be located, including diagonally or across a road or street, and is also within five hundred feet of the dwelling in which the STR is located. Prior to issuance of a renewal permit, the applicant Owner shall provide such notice and information by email or US mail, or in person.
  - 2. Permits are valid for one year from date of issuance and must be renewed annually for continued operation of the STR.
  - 3. Permits are not-transferable and are rendered null and void upon any change in ownership of the subject property.
  - 4. If the STR is to be located in an accessory dwelling, the accessory dwelling and principal dwelling to which it is accessory must be owned by the same person or entity.
- C. Renewal of Operating Permit,
- 1. No earlier than sixty (60) days prior to, and no later than sixty (60) days after the expiration of a valid STR Operating Permit, the STR Owner may apply for an expedited renewal of the STR Operating Permit for a one (1) year period. Such expedited renewal may be made by submission of the required fee and a copy of the expiring permit accompanied by an attestation stating the following:
    - (a) that the total number of days the subject dwelling was rented as a Short-Term Rental during the term of the expiring permit did not, and will not, exceed one



hundred twenty, or, that the STR is operating under a valid and effective special use permit granted pursuant to section 232-16.8 of the Code of the Town of Copake.

- (b) that fully operable smoke and carbon monoxide detectors are installed and will be maintained as required by this chapter and the New York State Uniform Code within the STR premises;
  - (c) that the most recent application information and statements applicable to such Operating Permit remain correct or have been updated to be correct;
  - (d) that notification of the intent to operate a Short-Term Rental and the name and contact information of the STR Designated Contact and STR Back-up Contact STR have been provided to abutting neighbors in accordance with subsection (B.)(1.), above.
2. Any renewal that does not fully comply with subsection (C.)(1.) of this section, above, or any other application, shall be treated as a new and initial application subject to all application provisions including certified notice to abutting landowners.

D. Review.

1. The Code Enforcement Officer may deny an application for an STR Operating Permit for any of the following reasons:
- (a) the application is incomplete, information required by this section or other regulations adopted by the Town of Copake was not included with the application, or the full application and annual administrative fee, in acceptable form of payment, was not included with the application;
  - (b) the attestation from the STR Owner evidences that the subject property is not in compliance with this chapter;
  - (c) The STR Owner or any person or entity named as having an ownership interest in the subject STR is a party to an STR Operating Permit that is under suspension.
- E. Each application or renewal shall be accompanied by payment of a non-refundable application fee and an annual administration fee refundable in the case of a permit denial, in amounts to be set by resolution of the Town Board.

187-4. Requirements of owners and operators.

Every Short-Term Rental for which an Operating Permit is required shall comply with this section, and every Operating Permit issued pursuant to this chapter is deemed to contain the following conditions, whether or not stated on the permit document. Compliance therewith must be established as a condition of Operating Permit approval and must be maintained at all times for the duration of the Permit.

A. Operational requirements.

1. The STR Designated Contact or STR Back-up Contact shall be available to be contacted at all times by the means provided on the STR Operating Permit application and as specified in the most recent notice to abutting property owners and shall promptly respond to complaints of disruptive, unsanitary, or unsafe conditions at or associated with the STR or STR premises or other violations of this chapter.
2. The 911 address of the STR premises shall be conspicuously displayed on the property or premises so as to be easily visible from the public roadway.
3. The operation of the STR and the conduct of its STR Guests while on the property of the STR shall comply at all times with all provisions of this chapter, Chapter 101 (Unsafe Buildings), Chapter 129 (Fire Prevention and Building Construction), Chapter 160 (Noise) and Chapter 85 (Animals) of the Code of the Town of Copake, the Uniform Fire Prevention and Building Code and Property Maintenance Code of the State of New York, and the New York State Multiple Residence Law.
  - (a) This includes but is not limited to the installation of smoke and carbon monoxide detectors as follows:
    - [1] A fully-functioning smoke detector shall be installed and maintained at all times
      - (a) in each bedroom or room used for sleeping purposes within the STR,
      - (b) in each hallway to which any such bedroom or sleeping room adjoins, and
      - (c) on each story of each dwelling unit within the premises;
    - [2] in any dwelling with a fuel-burning furnace, stove, heater, wood stove, or other device or appliance, a carbon monoxide detector shall be installed and maintained at all times
      - (a) in each room or space in which such device or appliance is located, and
      - (b) in each hallway to which any bedroom or sleeping room adjoins;
    - [3] any additional such devices shall also be provided and maintained within the STR premises as otherwise required by the New York State Uniform Code.
4. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
5. No sleeping rooms for STR use in one-family, two-family, or accessory dwellings shall be located above the second story above grade plane.
6. The Owner must provide and maintain exterior trash containers of a type and capacity sufficient to contain and secure from animals all trash generated by renters.
7. Trash and recycling must be removed from the property on at least a weekly basis.
8. The maximum number of STR Guests shall be the lesser of a) two times the number of bedrooms to be made available for the STR plus two additional guests, or b) ten.

9. Every STR must include an STR guest who is at least 21 years of age.
  10. The Owner shall comply with all other requirements, including pursuant to New York State Law and the New York State Uniform Code, that apply or may be enacted or adopted and made applicable to owners or operators of short-term rentals within the State of New York.
- B. Required postings and communications to renters. The owner of a premises used for Short-Term Rental shall conspicuously post in a prominent location in the STR unit, or provide to the STR Guests in a binder or information packet, the following information:
1. The County 911 address for emergency response to the STR premises.
  2. The 24-hour contact information for the STR Owner, Designated Contact, and Back-up Contact.
  3. Instructions and schedules for disposal of trash and recycling.
  4. A copy of the current STR Operating Permit and conditions applied to such permit.
  5. A copy of a Notice of Local Regulations, to be provided to the Owner by the Town upon issuance of an STR Permit.

#### 187-5. Exempt rentals.

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The following rentals are permitted and exempt from the requirements of this chapter, and rentals that are exempt under this subdivision are not counted toward the 120-day Short-Term Rental maximum.

1. Short-Term Rental of a room or rooms in a dwelling unit in which the owner is in concurrent occupancy, or in an accessory dwelling unit and the owner is in concurrent occupancy in the principal dwelling on the parcel, and the owner is present overnight during the entire rental period. If the owner is a legal entity, the owner's concurrent occupancy requirement may be satisfied by a person who is a principal owner or officer of the owning entity.
2. Any property, dwelling, dwelling unit, or portion of a dwelling unit that is only rented out to a renter or group of renters for periods of thirty days or more.
3. A use classified as and permitted by the Town of Copake as a hotel, motel, campground, bed & breakfast, dormitory, resort hotel, lodge or ranch, farm stay, or other use allowed under the Table of Use Regulations, Table 2 of Chapter 232 of the Code of the Town of Copake, or farm worker housing.

#### 187-6. Penalties for violation.

- A. Violations by STRs with STR Operating Permits.

1. Violation of any provision of this chapter by an STR operating pursuant to a valid and effective STR Operating Permit shall be punishable by a fine upon the Owner of \$100 for the first offense, a fine of \$250 for a second offense, and a fine of \$500 for a third offense during the term of any one-year permit.
2. Each violation after the third during the term of a one-year permit by an STR operating pursuant to a valid and effective STR Operating Permit shall result in a fine upon the Owner of \$500.

B. Operating without an STR Operating Permit or with a suspended Operating Permit.

1. Operating an unpermitted STR in violation of this chapter shall incur a fine upon the Owner of \$250 for each month or part of a month in which such violation occurs. Such fine shall be waived for the first violation by an Owner if the Owner applies for an STR Operating Permit for the subject rental premises within thirty days of notification by the Town of such non-compliance.
2. Operating an unpermitted STR in violation of this chapter and without having applied for an STR Operating Permit for the subject premises, beyond thirty days after notification by the Town of the requirement to obtain an Operating Permit, shall be punishable by a fine upon the Owner of \$500 for each month or part of a month in which such violation occurs.
3. Operating an unpermitted STR in violation of this chapter and without having applied for an STR Operating Permit for the subject premises, beyond thirty days after a second notification by the Town of the requirement to obtain an Operating Permit, shall be punishable by a fine upon the Owner of \$250 for each day in which such violation occurs.
4. An Owner who fails to apply for the required STR Operating Permit after two notices from the Town informing the Owner of the requirement to obtain an Operating Permit shall be denied a permit to operate an STR on the subject premises or property for a period of one year after the second thirty-day grace period to apply expires.
5. In addition to any other penalties provided for in this Chapter, violation of any provision of subdivision (A.) or (B.) of section 187-4 of this Chapter by an STR operating without an STR Operating Permit or with a suspended Operating Permit shall be punishable by a fine upon the Owner in the amount of \$250 for a first offense during a calendar year and \$500 for each subsequent offense occurring during the same calendar year.
6. In addition to any other penalties provided for in this Chapter, the Code of the Town of Copake, or otherwise by law, operation of an STR subsequent to denial or revocation of an STR Operating Permit for such STR without a valid and effective superseding Operating Permit, or during any period in which the Operating Permit for such STR is suspended shall be immediately punishable by a fine upon the Owner of \$500 per day.



7. In addition to any other remedies or penalties, the Town is authorized to take any lawful action, including injunctive action in a court of competent jurisdiction, to prevent or terminate the use or operation of any Short-Term Rental within the Town of Copake that is not operating pursuant to, and in accordance with, a valid and effective STR Operating Permit or that is operating with a suspended Operating Permit.

187-7. Suspension and non-renewal of STR permit.

- A. For purposes of this section, a Non-compliance Incident is 1) any violation of this chapter, 2) any violation of Chapter 101 of the Code of the Town of Copake (Unsafe Buildings), Chapter 129 of the Code of the Town of Copake (Fire Prevention and Building Construction), the New York State Multiple Residence Law, or the Uniform Fire Prevention and Building Code or the Property Maintenance Code of the State of New York, occurring on the premises of the STR, or 3) any violation of Chapter 160 of the Code of the Town of Copake (Noise) or Chapter 85 of the Code of the Town of Copake (Animals) committed by one or more STR Guests and occurring on the premises of the STR.
- B. The occurrence of Non-compliance Incidents on three or more occasions during the one-year term of an STR Operating Permit shall result in a suspension of the STR permit and right to operate.
  1. The first suspension arising from three or more non-compliance incidents within a period of two years shall be for three months.
  2. If a second suspension arising from an additional three or more Non-compliance Incidents is imposed within two years of the imposition of a prior multiple-incident suspension, such second suspension shall be for a period of one year.
- C. Upon receiving a complaint alleging the occurrence of a Non-compliance Incident, or upon the Code Enforcement Officer's observation of such occurrence, the Code Enforcement Officer shall be authorized to inspect the subject STR premises for purposes of ensuring compliance with this chapter after obtaining the express consent of the property owner or the contact person designated by the property owner for such limited inspection purposes. If such permission to inspect is denied or delayed, or upon receiving a complaint or upon observation of the occurrence of a failure to maintain required smoke or carbon monoxide detectors or any Non-compliance Incident that creates a hazard to safety or human life, the Code Enforcement Officer may immediately suspend the STR Operating Permit until compliance has been demonstrated to the satisfaction of the Code Enforcement Officer.
- D. No suspension shall be lifted or concluded until the Non-compliance Incidents on which the suspension was based have been corrected or remediated.
- E. Imposition of a suspension shall not extend the expiration date of the permit, which shall remain one year from the date of issuance.

F. No STR Operating Permit may be renewed during a period of suspension imposed pursuant to this subdivision.

#### § 10. Statement of Authority

This local law is enacted pursuant to the authority of Article 16 of the New York Town Law and the New York Municipal Home Rule Law, including but not limited to M.H.R.L. sections 10, 20 and 27, and the general police powers of the municipality.

#### § 11. Severability

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### § 12. Effective Date

This local law shall become effective May 1, 2024.