

§ 230-30 B- Bed-and-Breakfast Establishments and Room Rental Homes

A bed-and-breakfast establishment may be allowed in an owner-occupied single-family dwelling and a room rental home may be allowed in an owner-occupied single- or two-family dwelling, subject to applicable special permit and site plan approvals and compliance with the following standards:

- A. Each bed-and-breakfast establishment or room rental home shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area.
- B. A registered resident host of the property shall live on the site throughout the visitors' stay and supervise guests so as not to disrupt the neighborhood.
- C. The guest rooms shall be limited to the principal dwelling and/or one accessory building. Any guest room in an accessory building shall have sanitary facilities.
- D. No guest shall stay for a period more than 30 days.
- E. The owner shall collect and preserve registration records for a minimum of three years.
- F. The owner or resident host may serve breakfast to guests, but a public dining room, restaurant, bar, or other commercial use is prohibited.
- G. Off-street parking shall be located behind the front plane of the principal structure and shall be consistent with the residential character of the site. Parking shall be consistent with § 230-16 and Table J
- H. One identification sign is permitted, not to exceed four square feet in area and five feet in height and shall be otherwise in compliance with §230-20, Signs and supporting structures.
- I. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of this chapter and the New York State Building Code.

§ 230-30 C Short-Term Rental

(1) Purpose. The purpose of this section is to establish a set of regulations applicable to publicly advertised short-term rentals of residential property. These regulations are in addition to all other provisions of this Chapter. In the adoption of these standards the Board of Trustees find that short-term rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.

(2) Definitions.

- a. Short-Term Rental - A single-family or two-family dwelling, or an accessory dwelling unit, in which at least one and not more than three bedrooms are publicly advertised for overnight accommodation, the rates for which include lodging only, and in which no public restaurant is maintained, and no other commercial services are offered. A qualifying property must be the owner's primary residence and be owner occupied for at least six (6) months + one day each calendar year.
- b. Owner or Owners- Owner or owners shall include the person or people actually owning real property, a person or people holding membership interests in a limited liability company, a person or people holding a partnership interest in a partnership or limited

liability partnership, the trustee or trustees or a trust, a person or people owner shares in a corporation.

- (3) Presumption of Dwelling Unit as Short-Term Rental Property.
- a. The presence of the following shall create a presumption that all or a part of the property is being used as a Short-Term Rental:
 1. All or part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb and VRBO, for a rental period of less than thirty-one (31) days; and/ or
 2. All or a part of the property is offered for lease for a period of thirty-one (31) days or less through any form of advertising.
 - b. The foregoing presumptions may be rebutted by evidence presented to the CEO that the premises is not operated as a Short-Term Rental.
- (4) A short-term rental may be allowed subject to an application for a permit, renewable on an biennial basis, and compliance with the following standards:

A. Permits issued for short-term rentals shall be limited to a maximum of twenty (20) within the Village decided by lottery on an annual basis. No permit may be allowed for any lot located within two (2) lots from a lot where a current permit has been issued from a lottery draw.

B. The property shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area. There shall be no change permitted to the residential character of the outside appearance of the building, either using colors, materials, or lighting.

C. An owner leaving Dutchess County overnight during the rental period must engage the services of agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the Village. This agent's name and contact information must be provided to the Village via the Short-Term Rental Application at time of submission.

D. There shall be no more than six occupants as lodgers at any given time, with a maximum of two occupants per bedroom. Maximum occupancy does not include children under five (5) years of age.

E. The guest bedrooms shall be limited to the principal dwelling and/or one accessory building. Any guest room in an accessory building shall have sanitary facilities within that accessory building approved by the applicable authority.

F. Short term rentals are limited to 100 days in any one calendar year and no more than one rental is allowed within a seven (7) consecutive day period. The owner shall collect and preserve registration records for a minimum of three years.

G. Parking shall be consistent with Section 120-16 and Table 3. Any required additional parking shall not be allowed in front of the principal structure by expanding use of an existing driveway.

H. If a property owner publicly advertises their dwelling, copy of the permit must be displayed within the interior during the duration of its validity. The availability of the rental to the public shall not be advertised on the premises.

I. If a property owner publicly advertises their rental, the Village permit number must be included in the listing.

J. An annual satisfactory inspection from the Code Enforcement Officer (“CEO”) is mandatory prior to issuance of a permit. The owner shall arrange for and schedule such inspection directly with the CEO and give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Millbrook Code, the NYS Uniform Fire Protection and Building Code and Department of Health Code.

K. All guests are subject to the provisions of Section 120-13, the General Performance Standards, and of the enforcement provisions of Section 120-62. The owner/agent is responsible for informing each guest of these provisions.

L. Property must comply with and meet all applicable NYS Uniform Building Codes.

M. There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.

N. There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the CEO upon request.

O. The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both road and the driveway.

P. Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the CEO during the permitting process. Any defects found shall be corrected prior to permit issuance.

Q. Insurance Standards- all applicants and permit holders must provide Evidence of Property Insurance and a Certificate of Liability Insurance indicating the premises is rated for Short-Term Rental and maintain such insurance throughout the term of the Short-term Rental permit. The amounts for the insurance coverage shall be set by the Village Board as part of the Village fee schedule(s).

R. Waste Removal Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling, or odors, and placed where they are not clearly visible from the road except at approximate pickup time.

S. Rental Contract applications and permit holders must have a rental contract, which includes the following:

1. Maximum property occupancy;
2. Maximum on-site parking provided; and
3. Good Neighbor Statement stating:
 - The Short-Term Rental renters should be considerate of the residents in neighboring homes.
 - Guests are requested to observe quiet hours from 11:00 p.m. to 7:00 a.m.;

- All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
- Littering is illegal.

T. A property found not to be in compliance with any section of this law will be subject to a monetary fine in accordance with the schedule below, in addition to any and all applicable remedies and penalties found in Section 120-62 that do not conflict with this section. Any/all offenses need to be corrected within 30 days of notification or else the STR Permit shall be revoked.

1. A one thousand-dollar (\$1,000.00) fine will be assessed for the first offense.
2. A two thousand-dollar (\$2,000.00) fine will be assessed for the second offense, if it occurs within a year of the first offense.
3. A third violation within a year of the first and second offenses will result in the revocation of the permit, or if the property is operating without a permit the owner will be prohibited from applying.

U. Compliance and Penalties

1. Violations of this Chapter or of any Short-Term Rental permit issued pursuant to this Chapter shall be subject to enforcement and penalties prescribed in this Chapter and in the Zoning Code of the Village of Millbrook in relation to fines and additional penalties.
2. If the CEO either witnesses or receives a written complaint (unless the suspected violation is related to life, health or safety standards, in which case the CEO is authorized to act on an oral complaint) of an alleged violation of this Chapter or of any Short-Term Rental permit issued pursuant to this Chapter, the CEO shall properly record such complaint and immediately investigate the report thereon. If the CEO determines there is a violation of this Code or this Chapter, the owners shall be notified in writing by certified or registered mail, or personal service, of said violations and the CEO may take any or all of the following actions:
 - i. Attach conditions to the existing Short-Term Rental permit;
 - ii. Suspend the Short-Term Rental permit. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk;
 - iii. Require corrective action that remedies the violations(s). The corrective action must be completed and approved within thirty (30) days of Notice from the CEO or the owner risks revocation of the Short-Term Rental permit;
 - iv. Issue a court appearance ticket for violation of a Village law;
 - v. Revoke the Short-Term Rental permit. Should a permit be revoked, all owners of the Short-Term Rental are prohibited from obtaining a Short-Term Rental permit on the property for one (1) year after the date of revocation. The CEO shall send a Notices of Revocation to property owner(s) and shall file a copy with the Village Clerk.

V. At the time of passage of this law, property owners operating a short-term rental in violation of the above listed standards will be given a 180-day grace period in which to apply for a permit.

W. Appeals and Hearings

1. The property owner is entitled to appeal the CEO's determination to the Zoning Board of Appeals when a property owner's application for a Short-Term Rental permit or a Short-Term Rental permit renewal is denied, or a Short-Term Rental permit is revoked. A Notice of Appeal shall be filed with the Village Clerk and the Zoning Board of Appeals within sixty (60) days of the CEO's filing of the denial or revocation with the Village Clerk. A hearing shall be held by the Zoning Board of Appeals not more than forty-five (45) days after the filing of the Notice of Appeal.