

§ 230-30 Short-Term Rentals

(1) Purpose. The purpose of this section is to establish a set of regulations applicable to the short-term rental 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 (“STRs”) 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. The Board of Trustees also find that STRs have the potential to have a detrimental effect on affordable housing and economic diversity in the Village. 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 dwelling or two-family dwelling or portion thereof, or an accessory apartment, are offered for rent or lease, for an occupancy of fewer than thirty-one (31) consecutive days, the rates for which include lodging only, and no other commercial services are offered. A qualifying property must include the applicant's Primary Residence. The term “short-term rental” does not include Bed and Breakfast, Group Home, Hotel/Conference Center, or Inn, as regulated by the Village of Millbrook Zoning Code.
- b. Hosted Short-Term Rental – A Short-Term Rental where a Primary Resident is present on the property overnight during the period when guests are on-site for the short-term rental.
- c. Non-Hosted Short-Term Rental – A Short-Term Rental where no Primary Resident is present on the property during the period when guests are on-site for the short-term rental.
- d. Primary Residence – a dwelling unit that is resided in by the Short-

Term Rental owner for at least six (6) months and one (1) day out of the year.

- e. Primary Resident – a natural person(s) who is the main occupant or occupants of the property containing the Short-Term Rental.
- f. Agent – Person designated by host to act on host’s behalf in the absence of the host.
- g. Host – the person who owns the property in the Village being offered for Short-Term Rental

(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 special permit, renewable on a biennial basis, and compliance with the following standards:

A. Permits issued for short-term rentals shall be limited to a maximum of fifteen (15) within the Village on an annual basis. Applications will be accepted on a first-come, first serve basis until fifteen permits are issued. Subsequent applications will be placed on a waitlist. If and when there are fewer than fifteen permits, the waitlist will be utilized starting with the application that has been on the waitlist the longest amount of time.

B. Permits will automatically expire after a two (2) year term but may be renewed

prior to expiration for a subsequent two (2) year term by permit-holders in good standing.

C. Permits are issued to a specific Primary Resident and are not transferrable. A Primary Resident may not possess more than one STR permit.

D. 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.

E. The Host, for Hosted STRs, or, the Hosts' Agent as listed on the permit for Non-Hosted STRs, must be available at all times to respond in person, on site, within one (1) hour of notification to any issues that may arise regarding the condition, operation, or conduct of guests of the STR. The contact information for the Host and/or Host's Agent shall be provided to the Village via the Short-Term Rental Application at time of submission, and the permit holder shall update this contact information as needed during the term of the permit to ensure it is accurate and up to date.

F. There shall be no more than six occupants as lodgers at any given time, with a maximum of two occupants per bedroom, or if not on municipal water or sewer, the maximum capacity shall be determined by the septic capacity established by the Department of Health, not to exceed two occupants per bedroom. Maximum occupancy does not include children under five (5) years of age.

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

H. The owner shall collect and preserve registration records for a minimum of three years.

I. Parking shall be consistent with Section 120-16 and Table 3. Any required

additional parking shall not be allowed in front of the principal dwelling by expanding use of an existing driveway.

J. A copy of the permit must be prominently displayed within the interior of the STR during the duration of its validity. The availability of the rental to the public shall not be advertised on the premises. The Village permit number must be included in the listing.

K. 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 Life Safety Code.

L. All STR guests are subject to the provisions of Section 120-13, the General Performance Standards, and of the enforcement provisions of Section 120-62. The Host or Agent is responsible for informing each guest of these provisions.

M. The STR property must comply with and meet all applicable NYS Uniform Building Codes.

N. 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.

O. There shall be a five (5) pound 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.

P. 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.

Q. 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.

R. Insurance standards- all STR 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).

S. Waste removal provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with 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.

T. STR guests and STR 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:
 - STR guests must be considerate of the residents in neighboring homes.
 - STR guests are requested to observe quiet hours from 10:00 p.m. to 8:00 a.m.;
 - All STR guests will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - Littering is illegal.

U. A property found not to be in compliance with any section of this law will be subject to a monetary civil fine in accordance with the schedule below, in

addition to any and all applicable remedies and penalties found in Section 230-60 that do not conflict with this section. Any and all offenses need to be corrected within 30 days of notification or else the STR Permit shall be revoked, or if the STR is operating without a STR permit, the owner will be prohibited from applying for such permit.

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.

V. At the time of passage of this law, applicants operating a short-term rental that is not the applicant's Primary Residence will be given a two-year grace period to meet this requirement (all other permit requirements must still be met before an applicant will be approved).