

BE IT ENACTED BY THE HAGUE TOWN BOARD AS FOLLOWS:

**SHORT-TERM RENTAL ORDINANCE
REGULATING SHORT-TERM RENTALS
IN THE TOWN OF HAGUE**

ARTICLE 1. PURPOSE AND INTENT: AUTHORITY

The Town Board has determined that short-term, transient residential rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and such uses have a potential to disrupt peaceful residential neighborhoods and pose a threat to the public health, safety and well-being within the Town. The Town Board also recognizes that Short-Term Rentals can attract visitors to the Town and can also provide an additional source of income to residential owners in the community. Accordingly, the Town Board determines a need to provide an Ordinance and supplementary rules and regulations to protect against adverse effects of such uses, while permitting short term rentals under appropriate circumstances. This Ordinance is adopted pursuant to provisions of New York Municipal Home Rule Law, New York Town Law and furtherance of municipal police powers exercised to protect and maintain public health, safety and wellbeing in the Town of Hague.

ARTICLE 2. DEFINITIONS

As used in the Ordinance, the following words shall have the meanings indicated:

DWELLING UNIT- One or more rooms designed, occupied or intended for residential occupancy and living quarters, with provisions for habitation, cooking, sanitary and sleeping facilities.

RENTAL- Granting residential use or possession of a Dwelling Unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL- A Dwelling Unit, which may or may not be inhabited by the owner of record or the owner's immediate family, which is or is intended to be rented for residential purpose in whole or in part, for an occupancy **period** of less than (30) consecutive days to any person or entity, excepting, however, and specifically intended to exclude any commercial tourist accommodation such as a Hotel, Motel, Inn, Campground or Bed & Breakfast and further excluding employee housing.

SHORT-TERM RENTAL OWNER- All persons or entities having an ownership interest in a Dwelling Unit which is to be used as a Short-Term Rental.

SHORT-TERM RENTAL PROPERTY- The entire area which is under the ownership or control of the Short-Term Rental Owner including, if applicable, the parcel of land on which is a Short-Term Rental is located together with any dwelling(s), buildings, structures and residential amenities utilized on the parcel.

TOWN OF HAGUE ZONING OFFICE- All persons appointed or designated by the Town Board including the Zoning Enforcement Officer or their designated agents authorized by the Town Board to enforce the Codes and Ordinances of the Town of Hague.

ARTICLE 3. PERMIT REQUIRED

- A. An owner of a Dwelling Unit shall be required to obtain from the Town of Hague a revocable Short-Term Rental Permit where a Dwelling Unit is to be offered and intended to be used as a Short-Term Rental.
- B. A Short-Term Rental Permit shall be obtained prior to offering or using the Dwelling Unit as a Short-Term Rental.
- C. A Short-Term Rental Permit shall be valid for no greater than a period of three (3) “calendar” years and shall expire on the Day of Issuance, of the third year in which such permit is in effect, and in all cases must be re-applied for as a renewal every three (3) years thereafter and for as long as the Dwelling Unit or portion thereof is offered or used as a Short-Term Rental.
- D. Short-Term Rental Permits are non-transferable and non-assignable. If a Short-Term Rental property is sold or ownership is otherwise transferred, the new owner must apply for and obtain a Short-Term Rental Permit in their own name prior to any use or offering of the Dwelling Unit as a Short-Term Rental. Purchasers under contract for the purchase of a Short-Term Rental Property may apply for a Short-Term Rental Permit as a prospective owner in the same manner as set forth herein, with issuance of the permit conditioned up the Buyers’ closing on title to the property.
- E. Any failure to abide by the requirements this Ordinance and the rules and regulations promulgated by the Town of Hague in furtherance of this Ordinance may result in a suspension or revocation of a Short-Term Rental Permit and such additional penalties as specified herein and as otherwise provided by law.

ARTICLE 4. PERMIT APPLICATION REQUIREMENTS.

An application for a Short-Term Permit or renewal of any existing or expired permit shall be:

- A. Submitted to the Town of Hague Zoning Office on an application provided by the Town of Hague;
- B. Identify the property address and tax map number of the premises;

C. Signed by all persons and entities that have an ownership interest in the proposed Short-Term Rental Property;

D. Accompanied by:

- i) A non-refundable application fee in an amount established from time to time by Resolution of the Town Board.
- ii) A copy of the vesting deed or other instrument demonstrating the manner in which ownership of the proposed Short-Term Rental property is held of record in the Warren County Clerk's Office.
- iii) A valid copy of Certificate of Authority issued by the Warren County Treasurer's office authorizing collection of the Warren County Occupancy Tax from Short-Term Renters.
- iv) A current Certificate of Compliance issued by the Town of Hague Zoning Administrator evidencing that the premises proposed as a Short-Term Rental property and offered to the public as a Short-Term Rental property is in conformity with all requirements of the Town of Hague Zoning Code and that there are no open or pending Zoning Code violations or pending Zoning Code enforcement proceedings related to the property to be offered as a Short-Term Rental.
- v) A site plan of the proposed Short-Term Rental Property (not required to be professionally drawn) depicting all buildings or structure locations and parking areas available for the rental occupants' vehicles(s).
- vi) A copy of any written rules and regulations to be imposed upon the renters by the owner for the proposed Short-Term Rental.
- vii) A copy of any written agreement required to be signed by the rental occupants for the proposed Short-term Rental.
- viii) Each Short-Term Rental Owner and owner's local representative name with contact addresses, telephone numbers and email addresses.

ARTICLE 5. APPLICATION PROCEDURE.

- A. Upon the filing of a Short-Term Rental Permit Application with the Zoning Office, accompanied by a permit fee and all those supporting documents required by this Ordinance as essential to the application, the Town of Hague Zoning Office shall within thirty (30) days of receipt of a complete submission determine whether to either issue the Short-Term Rental Permit, with or without conditions, or notify the applicant in writing that the application has been denied stating the reason or reasons for such denial. **All adjoining property owners will be notified of any application for a Short Term Rental Permit.** All issued Short-Term Rental Permits shall be the signature of the Town Zoning Administrator and upon issuance of such Permit two copies of the Permit shall be provided to the applicant. The applicant shall post a copy of the current Permit within five (5) feet of the Main Entrance in the Short-Term Rental

property. (Article 7, Section C) The Zoning Administrator shall file a copy of the Permit at the Town Clerk's Office with five days of issuance.

- B. In instances where the Town of Hague Zoning Office determines that a permit application with supporting information is complete and before issuance of a permit it is necessary to inspect the premises in support of the application, the Town of Hague Zoning Office shall have the opportunity to physically inspect the proposed Short-Term Rental Property to verify all application information. Failure on the part of the applicant to allow access and inspection of the Property shall terminate the application process.
- C. In instances where the Town of Hague Zoning Office determines that permit application or supporting information is incomplete or insufficient the Town of Hague Zoning Office shall notify the applicant in writing and afford the applicant an opportunity to correct any deficiencies or inadequacies. An incomplete permit application submission shall suspend the time for review and processing of the application.
- D. At the time of the issuance of a Short-Term Rental Permit by the Town Zoning Office the Zoning Administrator may impose reasonable conditions and restrictions which are directly related and incidental to the use of the Short-Term Rental property so long as such conditions and restrictions are consistent with the requirements of this Ordinance, the rules and regulations are consistent with the requirements of this Ordinance, the rules and regulations promulgated in furtherance of this Ordinance and the Town Zoning Code. Such conditions or restrictions shall be appropriate to Code and Ordinance compliance and to protect public health and safety or to minimize adverse impacts that the proposed Short Term Rental activity may have on the community, the neighborhood or adjacent properties.
- E. The Town Zoning Administrator shall deny issuance of a Short-Term Rental permit for any one or more of the following reasons:
 - i) If the application form is incomplete or supporting documents are not provided within a reasonable time after notification of incompleteness.
 - ii) If any required application fee is not provided.
 - iii) If any Short-Term Rental Permit for a property is revoked the revocation period shall be for one year and within the period, the property shall be ineligible for a Short-Term Rental Permit. Where the Town Board shall determine that the circumstances that resulted in any revocation have been substantially abated, the one-year ineligibility provision may be waived by resolution of the Town Board with or without conditions for good cause shown by the applicant.
 - iv) Where a physical inspection of the proposed Short-Term Rental Property demonstrates that information provided in the permit application or its supporting documentation cannot be verified, or the Property does not comply with the Town of Hague Zoning Code and cannot meet the requirements of this Ordinance or the property fails to comply with the rules or regulations promulgated in furtherance of this Ordinance, in such instances the Zoning Administrator shall set forth in writing specific reasons for

a denial of the Permit and that determination shall be appealable by the applicant to the Town Zoning Board of Appeals (ZBA) in accordance with the requirements of Town Law. The applicant shall be afforded every reasonable opportunity to correct, condition or incomplete application circumstances as part of the permitting process.

- v) An applicant shall be afforded an opportunity to appeal any denial or determination made by the Zoning Administrator in furtherance of this Ordinance upon presenting to the Town of Hague Zoning Board of Appeals (ZBA) a written notification served upon the Office of the Town Clerk within thirty (30) days of such determination or denial. The ZBA shall consider such appeal conducted in accordance with the requirements of Town Law and upon the conclusion of a hearing on such appeal, by resolution the ZBA shall either confirm, amend or rescind such determination or denial. Where the applicant may demonstrate by competent evidence that the circumstances for denial or determination by the Zoning Administrator are created by a practical difficulty in meeting the strict application of the requirements of this Ordinance the ZBA shall have authority to grant a variance from such requirement upon the same grounds provided for under Town Law or, in the alternative, the ZBA may also grant relief on appeal upon satisfactory proof of substantial error in the Town of Hague Zoning Administrator's denial or determination.

ARTICLE 6. REQUIREMENTS FOR ALL SHORT-TERM RENTAL PERMITS

Short-Term Rental Permits issued pursuant to this Ordinance shall, at minimum, state the following:

- A. The names, address, telephone numbers and email address of each person or entity that has been an ownership interest in the Short-Term Rental Property.
- B. The name, addresses and telephone number of any local primary contact person or Short-Term Rental property agent who shall be available during the entire period that the Short-Term Rental is permitted to operate.
- C. Specification of the maximum occupancy requirements for the Short-Term Rental as may be determined by the Warren County Department of Fire Prevention and Building Codes office for such occupiable habitable space, however, in no case shall maximum occupancy exceed the provisions of the New York State Department of Health regulation (Appendix 75A) residential onsite wastewater treatment system specifications where the Short-Term Rental property is serviced by a septic system.
- D. That the permit shall expire on the issue date of the third "calendar" year in which it is effective.

ARTICLE 7. SHORT-TERM RENTAL ESSENTIAL PERFORMANCE STANDARDS.

Short-Term Rentals shall comply with the following essential performance standards and requirements:

- A. Short-Term Rental Properties shall comply with all current Federal, State and Local laws, codes, rules and regulations.
- B. Rules and regulations imposed by the Short-Term Rental Owner shall be provided in writing to each renter/occupant and available at all times when the Short-Term Rental is rented in a conspicuous location of the Short-Term Rental premises and readily accessible to the renters/occupants.
- C. The Short-Term Rental Permit issued by the Town of Hague shall be posted inside the Short-Term Rental within five feet (5') of the main entrance, along with The Town of Hague Tenant Info Sheet **that references our E-Code Section 160-61**, and the Lake George Septic & Sewer Waste Water Care Card. These must remain posted during any period that the Short-Term Rental is rented pursuant to the Permit.
- D. Each Short-Term Rental premises shall provide for a minimum of weekly garbage removal and recyclables removal during the rental periods. Garbage containers and recyclable containers shall be secured with tight fitting covers at all times prevent leakage, spillage and odors, and shall be placed and maintained where the receptacles are not directly visible from the street or road except require for pick-up times.
- E. A house number visible from the street or road shall be maintained.
- F. The Short-Term Rental Owner shall make available, if requested by any nearby residential property owner within a 150-foot radius of the boundaries of the Short-Term Rental, a copy of their current Short-Term Rental Permit.
- G. The Short-Term Rental Owner shall maintain current and accurate owner and agent or representative information and contact information with the Town of Hague Zoning Office and shall immediately notify the Town of Hague Zoning office of any material changes from the information originally supplied at the time of issuance of their permit. If, based on the information changed, the Town of Hague Zoning office issued an amended Permit, the amended Permit shall be immediately conspicuously posted in the Short-Term Rental premises replacing the original Permit. Issuance of an Amended Permit shall not be construed as extending the three (3) year period of permission to operate under the originally issued permit. No fee shall be imposed for an amended permit.
- H. Every owner and/or agent for the owner of a Short-Term Rental premises shall require that their rental occupants conduct themselves in accordance for proper consideration of their neighbors, and act peaceably and not in violation of New York State Penal Law or in violation of the Zoning Code of the Town of Hague. Those rules and regulations enforced by the Short-Term Rental Owner shall include a requirement that renters/occupants shall maintain quiet at the Short-Term Rental between the hours of 11:00pm and 7:00am.
- I. Short-Term Rental Permits may be suspended or revoked for violations of the ordinance or upon any violation of the specific terms of any permit of the rules and regulations promulgated and in furtherance of this ordinance.

- J. Short-Term Rental property shall be operated in accordance with all special conditions imposed specific to the Permit.
- K. The operation of a Short-Term Rental property in accordance with a validly issued Short-Term Rental Permit shall require continuing compliance with all rules and regulations in existence at the time of issuance of the permit and such other rules and regulations that the Town of Hague shall determine are necessary standards that promote the furtherance of the purposes of the Ordinance and which are promulgated to support this Ordinance. Rules or regulations promulgated in furtherance of this Ordinance shall be considered after a public hearing conducted by the Town Board Upon at least a ten (10) day notice published in the municipality's official newspaper providing an opportunity for the public to be heard on such matters and all issues and concerns shall be considered at a public hearing before the Town Board shall act to promulgate or adopt any new rules or regulation in furtherance of this Ordinance. Adoption of any application fee or amendment thereto shall not require a public hearing and maybe authorized by a Town Board resolution.
- L. There shall be no more than one Short-Term Rental premises situate on a Town of Hague Tax Map Parcel. (Ref. Code 160-10)
- M. No tent, canopy, travel trailer, motorhome, camper, yurt, vessel, motor vehicle or temporary structure shall qualify for use or occupancy as a Short-Term Rental in the Town of Hague.
- N. The operation and appearance of a Short-Term Rental property shall not interfere with the residential character of the premises, including the surrounding properties or the neighborhood.
- O. No firework displays shall be permitted at a Short-Term Rental property.

ARTICLE 8. ENFORCEMENT AND PENALTIES.

- A. Agents, employees or consultants acting on behalf of the Town of Hague shall be granted access to any Short-Term Rental upon reasonable request for the sole purpose of inspection and/or enforcement and compliance with this Ordinance, and all Short-Term Rental regulations and/or State and Local Codes.
- B. A Short-Term Rental Permit, may be suspended or reasonably conditioned by the Town Zoning Office or revoked by the Zoning Board of Appeals in accordance with the following:
 - i. For a first or second violation of this Chapter or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Enforcement Office shall immediately shall place a phone call as well as written Notice of Violation to the Short-Term Rental Property Owner mailed to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested to the Short-Term Rental Owner or Agent. The Notice of Violation shall specify the violation, what actions

must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If a property owner fails to remedy the violation within the timeframe specified, the Zoning Enforcement Officer may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.

- ii. For a third or any subsequent violation of this Chapter or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Enforcement Officer shall issue a written Notice of Violation and may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit. The Notice of Violation and any determination of the Zoning Enforcement Officer to revoke, suspend or condition an existing Short-Term Rental Permit shall be provided to the Short-Term Rental Property Owners by phone call, e-mail and in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.
- iii. The Zoning Enforcement Officer may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of the Chapter or the terms of a Short-Term Rental Permit which poses a threat to the health, safety or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Zoning Enforcement Officer shall notify the Short-Term Rental Property Owners by phone call, e-mail and writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.
- iv. Short-Term Rental Property Owners may appeal any determination of the Zoning Enforcement Officer to suspend, revoke or condition a Short-Term Rental Permit no later than thirty (30) days after the mailing of notice of the determination. The appeal must be made in writing to the Town Clerk and such appeal shall be heard by the Zoning Board of Appeals (ZBA) at a regularly scheduled ZBA Meeting. During the time following submission of an appeal and prior to the decision of the ZBA, the determination of the Zoning Enforcement Officer shall be stayed. At the hearing the ZBA shall accept evidence offered by the Short-Term Rental Owner, any complaining parties, the Zoning Enforcement Officer and any other witness with relevant evidence. The ZBA shall make its determination after hearing and reviewing all evidence for or against and make a determination and or decision by resolution at the conclusion of the hearing, and may uphold, reverse or modify the Zoning Enforcement Officer's determination. The ZBA determination shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.
- v. If a Short-Term Rental Permit is revoked, no Short-Term Rental Permit may be obtained for the subject property for at least one year following the revocation.

C. Where circumstances may require, the Zoning Enforcement and/or designee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or criminal

summons and complaint, subscribed by him or her, directing a designated person to appear in a court of competent jurisdiction at a designated time in connection with the commission of any violation of this Ordinance or a violation of any rule or regulation promulgated hereunder.

- D. Monetary Penalties. In addition to any penalties or other relief to which the Town of Hague may be entitled under the provisions of this Ordinance, upon a determination by a court of competent jurisdiction that a person or entity has violated a provision of this Ordinance, or violated any rule or regulation promulgated in furtherance of this ordinance, or violated any order made hereunder, or violated any term, provision or condition of a Short-Term Rental Permit, in addition to other sanctions provided for in this Ordinance such person or entity shall also be liable for the imposition of a civil penalty determined in the following manner:

- 1- A civil penalty of not less than \$100.00 not more than \$500.00 for any first offense;
- 2- A civil penalty of not less than \$500.00 not more than \$700.00 for any first offense;
- 3- A civil penalty of not less than 700.00 not more than \$950.00 for any first offense;

- E. In addition to all other penalties, sanctions or remedies specified in this Ordinance or as may be provided in law or equity, a civil action or proceeding may be commenced by the Town of Hague in any court of competent jurisdiction at any time, to compel compliance with or restrain by injunction any threatened violation or actual violation of any provision of this Ordinance, a violation of any rule or regulation promulgated in furtherance of this Ordinance or any violation of any permit specification. Where such application is permitted in a court of law the Town of Hague shall in addition to all other available remedies be entitled to recover its actual attorneys' fees and costs incurred in the enforcement hereof to be paid by any violator as may be determined by the court and all such remedies and relief shall be in addition to sanctions prescribed by this Ordinance and shall be considered cumulative.
- F. No remedy, sanction or penalty specified in this ordinance shall be the exclusive remedy, sanction or penalty available to address any violation and each remedy sanction or penalty specified in the Ordinance shall be in addition to, and not in the substitution for or limitation of, the other remedies or penalties specified in this ordinance, or in any other applicable law. Any remedy, sanction or penalty specified in this ordinance may be pursued at any time where prior to, simultaneously with or after the posit of any other remedy or penalty specified in this ordinance. The town may initiate enforcement proceedings under this Ordinance at an any time following receipt of compliant of if the Town of Hague Zoning Office determines that a violation has occurred.
- G. Unless otherwise specified herein, each day a violation continues shall constitute a separate and distinct offence to which separate penalties shall apply.

ARTICLE 9. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Ordinance shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 10. EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after publication in the Towns' official paper.