

Public Hearing – May 4, 2021

BE IT ENACTED BY THE BOLTON TOWN BOARD AS
FOLLOWS:

**AN ORDINANCE #47
REGULATING SHORT-TERM RENTALS
IN THE TOWN OF BOLTON**

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 #47 is adopted pursuant to provisions of New York Municipal Home Rule Law, New York Town Law and in furtherance of municipal police powers exercised to protect and maintain public health, safety and wellbeing in the Town of Bolton.

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 part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL – A Dwelling Unit, situated in all zoning districts specified in the Zoning Code of the Town of Bolton except the GB 5000 District, and such premises 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 purposes, in whole or in part, for an occupancy period of less than thirty (30) consecutive days to any person or entity, excepting, 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 a Short-Term Rental is located together with any dwelling(s), buildings, structures and residential amenities utilized on the parcel.

TOWN OF BOLTON PLANNING OFFICE – All persons appointed or designated by the Town Board including the Zoning Administrator, Director of Planning, Zoning Code Enforcement Officer or their designated agents authorized by the Town Board to enforce the Codes and Ordinances of the Town of Bolton.

ARTICLE 3. PERMIT REQUIRED

- A. An owner of a Dwelling Unit shall be required to obtain from the Town of Bolton 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 31st day of December 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-transferrable 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 upon 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 Bolton 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 Rental Permit or renewal of any existing or expired permit shall be:

- A. Submitted to the Town of Bolton Planning Office on an application provided by the Town of Bolton;
- 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:
 - 1. a non-refundable application fee in an amount established from time to time by Resolution of the Town Board.
 - 2. 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.

3. a valid copy of a Certificate of Authority issued by the Warren County Treasurer's office authorizing collection of the Warren County Occupancy Tax from Short-Term Renters.
4. a written authorization issued by the Town of Bolton 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 Bolton 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.
5. a site plan of the proposed Short-Term Rental Property (not required to be professionally drawn) depicting all building or structure locations and parking areas available for the rental occupants' vehicle(s).
6. a sample copy of any written rules and regulations to be imposed upon the renters by the owner for the proposed Short-Term Rental.

7. a sample copy of any written agreement required to be signed by the rental occupants for the proposed Short-Term Rental.
8. each Short-Term Rental Owner and owner's representative name with contact addresses, telephone numbers and email addresses.
9. a copy of any printed, electronic media advertising or website addresses associated with the offering of the Short-Term Rental premises.
10. where the premises proposed for issuance of a Short-Term Rental permit is subject to a deed restriction(s), covenant or any rules and regulations of a Home Owner's Association (HOA) that has authority to limit, restrict or prohibit rental occupancies, an applicant shall be required to provide a written HOA approval or written waiver of deed restrictions(s), covenant or HOA rule.

ARTICLE 5. APPLICATION PROCEDURE.

A. Upon the filing of a Short-Term Rental Permit Application with the Planning Office , accompanied by a permit fee and all those supporting documents required by this Ordinance as essential to the application, the Town of Bolton Planning 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 issued Short-Term Rental Permits shall bear 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 conspicuously post a copy of the current Permit in the Short-Term Rental property. The Zoning Administrator shall file a copy of the Permit at the Town Clerk's Office within five days of issuance.

B. In instances where the Town of Bolton Planning Office determines that a permit application with supporting information is complete and before issuance of a permit it is deemed necessary to inspect the premises in support of the application, the Town of Bolton Planning 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 Bolton Planning Office determines that a permit application or supporting information is incomplete or insufficient the Town of Bolton Planning 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 Planning Office the Zoning Administrator may impose reasonable written conditions and restrictions, to be specified on the permit, as may be 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 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:

1. If the application form is incomplete or supporting documents are not provided within a reasonable time after notification of incompleteness.

2. If any required application fee is not provided.

3. 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.

4. 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 Bolton 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 cure or correct any condition or incomplete application circumstances as part of the permitting process.

5. 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 Bolton Zoning Board of Appeals (ZBA) a written notification served upon the Office of the Town Clerk within sixty (60) 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 a substantial error in the Town of Bolton Zoning Administrator's denial or determination.

- F. The Town of Bolton shall have the authority to summarily revoke the issuance of any Short-Term Rental permit where such permit was issued to an applicant or the applicant's agent in justifiable reliance upon a material misrepresentation. Where a Short-Term Rental permit shall have been issued upon the failure of an applicant or the applicant's agent to disclose a material fact or known circumstance that would constitute ineligibility for a permit, the issuance of such Short-Term Rental permit shall be void. This section shall not be construed to diminish the enforcement of other provisions of this Ordinance or as otherwise provided in law.

ARTICLE 6. REQUIREMENTS FOR ALL SHORT-TERM RENTAL PERMITS

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

- A. The names, addresses, telephone numbers and email addresses of each person or entity that has 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. Those special conditions or restrictions that have been determined by the Planning Office to be directly related to or incidental to the requirements of this Ordinance and appropriate to protect the general health, welfare and safety of inhabitants or other members of the public.
- E. That the Permit shall expire on December 31st 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. Strict compliance with such requirements shall be excused and considered “grandfathered” where a preexisting premises proposed for a permit under this Ordinance shall be determined by the Town of Bolton Zoning Administrator to have been previously and continuously occupied as a habitable dwelling and the essential conditions at such premises do not present any substantial risk to public health or threat or danger to the safety of occupants.

- 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 in the Short-Term Rental premises and readily accessible to the renters/occupants.

- C. The Short-Term Rental Permit issued by the Town of Bolton shall be conspicuously posted inside the Short-Term Rental and remain so 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 to prevent leakage, spillage and odors, and shall be placed and maintained where the receptacles are not directly visible from the street or road except as required 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' radius of the boundaries of the Short-Term Rental Property, 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 Bolton Planning Office and shall immediately notify the Town of Bolton Planning 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 Bolton Planning Office issues 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 (calendar 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 with all requirements of the Town of Bolton Noise Ordinance #22 and act peaceably and not in violation of New York State Penal Law or in violation of the Zoning Code of the Town of Bolton. 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 premises between the hours of 10:00pm and 7:00am.

- I. Short-Term Rental Permits may be suspended or revoked for violations of this Ordinance or upon any violation of the specific terms of any permit or the rules or regulations promulgated in furtherance of this Ordinance.
- J. Short-Term Rental property shall be operated in accordance with all special conditions or restrictions 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 Bolton shall determine are necessary standards that promote the furtherance of the purposes of this 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 rule or regulation in furtherance of this Ordinance. Adoption of any application fee or amendment thereto shall not require a public hearing and may be authorized by a Town Board resolution.

- L. A Short-Term Rental dwelling shall comply with the SCHEDULE OF USE REGULATIONS and the SCHEDULE OF AREA, BULK AND HEIGHT REGULATIONS in the Zoning District in which the premises is situated as specified by the Town of Bolton Zoning Ordinance.

- 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 Bolton.

- 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. A “FOR RENT” advertisement sign at the

premises not exceeding twelve (12) inches by eighteen (18) inches shall be permitted at the premises.

- 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 Bolton shall be granted access to any Short-Term Rental Property 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 Planning Office or revoked by the Zoning Board of Appeals in accordance with the following:
- (1.) In the event of any alleged violation of this Ordinance or the alleged violation of any rule or regulation promulgated hereunder or an alleged violation of the terms of a Short-Term Rental Permit by a Short-Term Rental Owner or tenant related to a particular Short-Term Rental Property, the Town of Bolton Planning Office shall issue a written Notice of Violation and Order to Remedy to the Short-Term Rental Property Owner mailed to the addresses set forth on the Short-Term Rental Permit by first class mail and certified mail return-receipt requested. The Notice of Violation and Order

to Remedy shall specify each alleged violation, what actions must be taken to remedy the violation(s) and provide for a specified reasonable time in which to remedy the violation(s). If a property owner fails to remedy the violation(s) within the time specified, the Town of Bolton Planning Office may suspend or attach reasonable conditions to any existing Short-Term Rental Permit.

- (2.) The Town of Bolton Planning Office may, for good cause shown, summarily suspend a Short-Term Rental Permit, where there is a good faith determination by the Zoning Administrator that alleges that the continued operation of a Short-Term Rental property poses an immediate threat to public health or safety, or poses a danger to any rental occupants, or a detriment to the general public or adjacent properties. In the case of such summary permit suspension, the Town of Bolton Planning Office shall provide a written notification to the Short-Term Rental Property Owner at the addresses set forth on the Short-Term Rental Permit by first class mail and certified mail, return-receipt requested, specifying the grounds for a summary Short-Term Rental permit suspension coupled with a Notice of Violation and Order to Remedy. The immediate suspension of the Short-

Term Rental Permit shall take effect upon the posting of the written notification of suspension at the Short-Term Rental premises. Any continued operation of a Short-Term Rental property on a suspended permit shall constitute a separate violation of the requirements of this Ordinance for each day, or any part thereof in which the violation continues.

- (3.) Short-Term Rental Property Owners may appeal any determination of the Town of Bolton Zoning Administrator to suspend or condition a Short-Term Rental Permit within a period of no later than sixty (60) days after the mailing of notification of such a determination. Such an appeal shall, as provided in Town Law, be made in writing and served upon the Town Clerk. The appeal shall be heard at a hearing conducted by the Town of Bolton Zoning Board of Appeals (ZBA) at the next regularly scheduled ZBA meeting. During the time period between a notification of violation and through the processing of any appeal, following submission of an appeal and prior to the decision of the Town Board, the determination of the Town of Bolton Zoning Administrator to suspend or condition a Short Term Rental permit shall be stayed unless there are circumstances which constitute a threat to public health or a threat to the safety of occupants or the

general public or circumstances which constitute a health hazard to adjacent properties. A hearing shall be conducted by the ZBA on such appeal at which time the ZBA shall accept evidence offered by the Short-Term Rental Owner; Any complaining parties shall be heard, Town officials may present evidence and any witnesses with relevant evidence shall be considered. The ZBA shall make its written determination on the appeal within ten (10) days after conclusion of the hearing and such ZBA decision and may uphold, reverse or modify the Town of Bolton Zoning Administrator's determination. The ZBA shall also have plenary jurisdiction upon the conclusion of any appeal to impose conditions and under appropriate circumstances revoke a Short-Term Rental permit where the public health safety or public welfare shall require. The ZBA's written decision on the appeal shall be provided to the Short-Term Rental Property Owner and agent or representative at the address set forth on the Short-Term Rental Permit by first class mail and certified mail, return-receipt requested.

- (4.) Where a Short-Term Rental premises has been determined by the ZBA upon the conclusion of a hearing as being operated in such manner that the circumstances

constitute a threat to the public health or threat to the public safety or such operation constitutes a detriment to the neighborhood or surrounding properties, the ZBA shall have the authority to revoke any Short-Term Rental permit and no new or replacement Short-Term Rental Permit may be obtained for the subject property for a period of at least one year following the revocation. No new person or different entity shall be authorized, to operate a Short-Term Rental property at the same premises within the one year period following a revocation. The Town Board may by resolution determine that the circumstances requiring revocation of a permit have been abated and in such instance the Town Board may waive any portion or all of the one year period of ineligibility.

- C. Where circumstances may require , the Zoning Administrator and/or designee shall have the authority to issue an appearance ticket or 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 Bolton 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 more than \$500.00 for any first offense;
- (2.) A civil penalty of not more than \$750.00 for any second offense; and
- (3.) A civil penalty of not more than \$950.00 for any third or any subsequent 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 Bolton 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 Bolton 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 this 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 whether prior to, simultaneously with or after the pursuit of any other remedy or penalty specified in this Ordinance. The Town may initiate enforcement proceedings under this Ordinance at any time following receipt of a complaint or if the Town of Bolton Planning Office determines that a violation has occurred.

G. Unless otherwise specified herein, each day a violation continues shall constitute a separate and distinct offense to which separate penalties shall apply.

ARTICLE 9. ORDINANCE APPLICATION AND SAVINGS CLAUSE

Upon the enactment of this Ordinance it is intended that the requirements hereof and the Rules and Regulations promulgated in furtherance hereof shall apply to all pre-existing or currently operating Short-Term Rental properties, however, where a written Short-Term Rental occupancy contract has been entered into earlier than sixty (60) days prior to the effective date of this Ordinance, such pre-existing Short-Term Rental agreement terms shall not be impaired or prohibited so long as the short-term rental property shall be in compliance with all Warren County Occupancy Tax requirements prior to the effective date hereof. This savings clause and its application shall expire on December 31, 2022.

ARTICLE 10. 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 11. EFFECTIVE DATE

Upon filing with the office of the New York State Secretary of State this Ordinance shall become effective on and after December 31, 2021.

SHORT-TERM RENTAL (STR)
RULES & REGULATIONS
ENACTED IN FURTHERANCE
OF ORDINANCE #47

For Discussion – May 4, 2021

**ORDINANCE #47
SHORT-TERM RENTAL (STR) PERMIT
RULES AND REGULATIONS**

The following RULES AND REGULATIONS shall pertain to the requirements imposed with the issuance of all SHORT-TERM RENTAL PERMITS issued in accordance with TOWN OF BOLTON ORDINANCE #47. Any person or entity adjudged by a court to be in willful violation of any of these rules or regulations shall be subject to penalties, sanctions or remedies as specified in the Ordinance.

RULE 47.01 ACCOMODATION STANDARDS

(a) The maximum overnight occupancy for each short-term rental unit *shall be the lesser of:*

(1) A maximum number of overnight occupants therein based upon the functioning capacity of the premises' on site wastewater septic system and as may be evidenced by a septic inspection report, which for good cause may be required by the Planning Office.

-OR-

(2) A maximum number of overnight occupants therein shall be calculated on the basis of two (2) overnight occupants per sleeping room (unless the room size is below 100 square feet), plus an additional two (2) overnight occupants. For the purposes of this Ordinance, a "sleeping room" shall be defined as an indoor habitable space of at least seventy (70) square feet in area for one overnight occupant, or one hundred (100) square feet in area or greater for two (2) overnight occupants and in each case providing an emergency escape or rescue egress accessible to occupants.

- (b) The SHORT-TERM RENTAL must provide sufficient vehicle parking spaces, to accommodate the maximum occupancy.
- (c) SHORT-TERM RENTAL tenants and guests shall not park on any part of the lawn of the STR property nor block the public street or private right of way.
- (d) Every SHORT-TERM RENTAL shall show a house number visible from the street or road.
- (e) Provisions shall be made for weekly refuse and recyclables removal from the SHORT-TERM RENTAL during all rental periods. Refuse and recyclable containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and located where they are not clearly visible from the public street or private road except within a period of twenty four (24) hours of pick up.

RULE 47.02 BASIC SAFETY STANDARDS

- (a) Installation, maintenance, and replacement of smoke alarms in every SHORT-TERM RENTAL premises shall be in accordance with New York State Codes, Rules and Regulations (Residential Code of N.Y.S.; Fire Code of N.Y. S. and Property Maintenance Code of N.Y.S.)
- (b) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (c) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
- (d) Septic, plumbing, and heating systems, shall be serviceable with no visual defects or unsafe conditions.
- (e) All fireplaces, fireplace inserts, wood stoves or other fuel burning heaters and furnaces shall be properly vented and properly installed.
- (f) Each sleeping room shall have a suitable egress as required by the N.Y.S. Uniform Fire Prevention and Building Code that opens directly to the outside, or to an emergency escape or a rescue window.

RULE 47.03 STANDARDS OF CONDUCT

(a) The maximum number of persons including all overnight residential occupants, guests and invitees at a SHORT-TERM RENTAL property shall not exceed two (2) times the maximum overnight residential occupancy as determined by **RULE 47.01**. Guests and invitees are not permitted to stay overnight where the maximum number of overnight residential occupants will exceed the limitations imposed by **RULE 47.01**.

(b) Persons occupying a SHORT-TERM RENTAL property as tenants, guests or invitees shall conform to all requirements of the Town of Bolton Noise Ordinance #22.

RULE 47.04 COMPLIANCE STANDARDS

- (a) All persons or entities that shall operate a SHORT-TERM RENTAL shall at all times comply with all requirements of the County of Warren concerning the imposition, collection and remittance of occupancy taxes (if any) to the Warren County Treasurer.
- (b) All persons or entities that shall operate a SHORT-TERM RENTAL property shall at all times comply with all requirements imposed by the Town of Bolton Zoning Code, the Town of Bolton Sanitary Sewage Disposal Ordinance and the Town of Bolton Stormwater and Erosion Control Regulations as these local laws or ordinances pertain to the operation of a SHORT-TERM RENTAL property.
- (c) All persons or entities that shall operate a SHORT-TERM RENTAL shall at all time comply with all requirements imposed by an applicable County, State or Federal laws, rules and regulations.

RULE 47.05 SHORT-TERM RENTAL PERMIT LIMITATIONS
AND PROVISIONS

- (a) These rules and regulations and all subsequent amendments duly promulgated by the Town Board for the Town of Bolton and Ordinance #47 constitute the terms of permission granted in the issuance of a permit to own or operate a SHORT-TERM RENTAL premises in the municipality and such rules and regulations enacted by resolution in furtherance of Ordinance #47 are intended to have the full force of law and shall constitute the express limitations and requirements of each permit granted by the Town of Bolton in accordance with Ordinance #47.
- b) The issuance of a SHORT-TERM RENTAL permit by the Town of Bolton to any person or entity, to the fullest extent permitted by law, shall not be construed nor considered a consumer guarantee nor a warranty of habitability made by the municipality to any person or entity including any owner, renter, tenant, occupant, guest or invitee arising out of any claim for breach of contract, negligence or other common law or statutory

claim or upon any theories of recovery for damages arising out of the use or occupancy of a SHORT-TERM RENTAL.

RULE 47.06 GENERAL APPLICATION

(a) Every SHORT-TERM RENTAL permit issued in accordance with the requirements of Ordinance #47 and any renewals thereof shall make reference to these rules and regulations.

(b) These rules and regulations shall constitute the minimum requirements specific to the issuance of a SHORT-TERM RENTAL permit and each issued permit shall make reference hereto.