

**TOWN OF WALTON
LOCAL LAW NO. 2 OF 2024
TRANSIENT RENTAL REGULATIONS**

Section 1 - Purpose: With the increase in tourism over the past several years in the Town of Walton and adjacent areas, there has been an increase in the number of property owners renting to tourists on a transient basis. The following local law imposes mandatory requirements on all Town of Walton property owners that desire to rent on a transient basis. The purpose of such requirements is to assure that the properties being rented meet certain minimum safety and regulatory requirements thereby protecting the property owners, occupants of such housing and the residents of the Town of Walton.

Section 2 - Authority: This local law is enacted pursuant to the provisions of the Municipal Home Rule Law and the Town Law of the State of New York.

Section 3 - Title: The title of this local law shall be "Local Law No. 2 of the Year 2024: Transient Rental Regulations."

Section 4 - Definitions and Application: As used in this local law:

- a) Bedroom: Any room or space used or intended to be used for sleeping purposes in either dwelling or sleeping unit.
- b) Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c) Local Manager: The person specifically named on the application and permit who is responsible for the day-to-day operation of the Transient Rental Unit (as defined below), and who may be contacted, day or night, if there is a problem at the Unit. The local manager may be either the owner or an agent of the owner. The local manager must reside within twenty (20) miles of the Town of Walton
- c) Non-Resident Owners: Owners whose primary residence is not located within the Town of Walton.
- d) Parking Space: A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of-way to a public street or highway, intended for the temporary storage of motor vehicles. Off-street parking shall not be utilized for any RV parking or camping unit while the unit is rented.

- e) Transient Rental Unit: Any dwelling unit that is rented or leased for a period of thirty (30) days or less, to one entity shall be considered a Transient Rental Unit. For purposes of this definition, “rental” means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money or valuable consideration. Motels, hotels and bed & breakfasts are excluded from this definition.
- f) Renewal Applications: The process by which an owner of a dwelling unit that received a transient rental permit the previous year may apply for the short-term rental permit for the next consecutive year. A renewal application will be accepted only when the applicant can document receipt of a transient rental permit the previous year.
- g) Sleeping Room: An interior room other than a bedroom having at least one operable window and furnishings that may serve to afford sleep to a person; however, sleep shall not be the primary function of the room. Examples include a living room, family room, den or great room furnished with a futon or convertible couch.

Section 5 - Authorization: The Town Board of the Town of Walton ('Town Board') authorizes the Town of Walton Code Enforcement Officer ('CEO') to issue permits to property owners to operate Transient Rental Units according to the provisions of this local law. Applications for a permit to operate Transient Rental Unit shall be processed under the procedures set forth in this local law. In the event the CEO is unavailable to perform any of the requirements of this local law, the CEO or Town Board may appoint the Code Enforcement Office of a neighboring municipality to perform such functions.

Section 6 - Application: All property owners desiring to rent or lease on a transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, effect, or supersede any regulations or requirements of the Town of Walton Zoning Ordinance, any regulations or requirements imposed by the County of Delaware, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Section 7 - Fee: A nonrefundable permit fee set by the Town of Walton Town Board for each Transient Rental Unit shall be submitted with each new application and each annual renewal application. The amount of such permit fee may be changed from time to time by resolution of the Town Board.

Section 8 - Application Forms: Applications for a permit to operate a Transient Rental Unit shall be available from either the Town Clerk or the Code Enforcement Officer. Applicants must file a separate application and tender a separate application fee and obtain a separate permit for each dwelling unit to be used for transient rentals.

Section 9 - Application Process:

- a) The initial permit application to operate a Transient Rental Unit shall be submitted to the Town of Walton Town Clerk along with the application fee. The applicant shall be notified of any additional information required within twenty (20) days of receipt of the application and application fee.
- b) The initial permit application must include the following:
 - 1) Contact Information: The names, addresses and day and night telephone numbers of the property owner and local manager must be included on the application. The contact information for the local manager may be made public as part of a municipally maintained database.
 - 2) Parking: The number of off-street parking spaces must be indicated on the application. Off-street parking shall be provided to accommodate the occupancy of the structure. Vehicles shall not be parked on lawns, along public roads, nor shall they be parked at a private, off-premise location without express written permission of the property owner submitted with the application. Any vehicles parked along public roads will be subject to winter-related parking restrictions.
 - 3) Occupancy: The occupancy level will be indicated on the application. Occupancy of the entire premises is limited to no more than two persons over the age of two per bedroom, unless further restricted by fire and safety codes. The CEO may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms and sleeping rooms, and according to the provisions of state laws.
 - 4) Description: Either a floor plan or a brief written description of each bedroom and sleeping room, including the dimensions of said rooms, occupancy of each room and the methods of ingress and egress (examples: doors and windows) shall be included with the application. *The applicant shall submit a plat of the property showing approximate property boundaries and existing features, including buildings, structures, well and septic system (if not connected to municipal sewer and water), parking spaces, driveways, streets and neighboring buildings within two hundred (200) feet on property directly adjacent to the applicant's property.*
 - 5) House Rules: The applicant shall submit a copy of the house rules, which must be approved by the CEO. At a minimum, house rules must contain the contact information for all emergency services and the local manager; plus, any pertinent information concerning local laws and ordinances relating to noise and other undue disturbances.

- 6) Jurisdiction: If a property owner does not reside in the Town of Walton, then they must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Delaware County.
 - 7) Insurance and Bed Tax: Applicant shall provide proof of liability insurance coverage and a bed tax identification number.
- c) Upon receipt of the application and fee, the Town Clerk shall refer the application to the CEO to determine if the applicant has complied with all of the requirements of this local law. If the applicant has fully complied, then the CEO shall issue the property owner a Transient Rental Permit. However, if an applicant is required to obtain any other permits required by the Town of Walton, County of Delaware, or State of New York in order to rent or lease their dwelling unit on a transient basis, then the CEO shall not issue the applicant a permit under this local law without sufficient proof that such other requirements imposed by the Town of Walton, County of Delaware, or State of New York have been satisfied. The CEO shall have forty-five (45) days to determine whether the applicant has complied with the requirements of this law. Failure of the CEO to act within forty-five (45) days shall constitute an approval unless the applicant and the CEO mutually agree to extend this time limit.
- d) Renewal Permits: To obtain a renewal permit, the applicant will provide the Town of Walton with (i) an affidavit that no change has taken place to the dwelling unit that would affect its eligibility to operate as a Transient Rental Unit; or (ii) an amendment to the initial application that sets forth any changes to the original underlying application for a Transient Rental Permit, together with such required additional documentation as determined by the CEO, all of which will be on forms prescribed by the Town of Walton Planning Board, along with the current application fee. The applicant will be notified within twenty (20) days of any required additional information. If the applicant has fully complied with the above, the CEO shall issue a permit to operate a Transient Rental Unit. Any applicant who applies for a Transient Rental Permit, and did not hold a permit for the immediate prior year, or have been inactive for six (6) months, shall be considered an initial applicant and not a renewal applicant.

Section 10 - Inspections: Each unit shall be inspected by the CEO to determine fire and safety code compliance. Proof of inspection in the form of the certificate of compliance must be included with the application form.

Section 11 - General Permit Regulations:

- a) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants and in a window where it is easily visible from the street.
- b) The permit to operate a Transient Rental Unit will expire one year from the date that it is issued. To continue operation, the applicant must obtain a renewal permit from the Town of Walton and proof of inspection from the CEO.
- c) A permit for operation of a Transient Rental Unit may be assigned, pledged, sold or otherwise transferred to any other persons, businesses, entities or properties upon written notification to the CEO, indicating the name, address and telephone number of the new owner and local manager, if applicable, proof of insurance and bed tax number, as well as certification that the balance of the information required under Section 9(b) has not changed.
- d) All Transient Rental Units shall have posted on or about the inside of its front or main door a card listing emergency contact information. Such information shall include, but not be limited to: the name, address and phone number of the building owner, if local, or a local manager, who will be available for problems or emergencies that may arise, and instructions for contacting emergency/fire/ambulance assistance. This information shall also be posted on the outside of the house near the main door or in a window where it is easily visible from the street. A local agent shall be able to arrive at the Transient Rental Unit in person within one hour of being notified of an emergency.
- e) All applicants, both new and renewal, must notify, in writing, via regular first class mail, all adjacent property owners of the proposed Transient Rental Unit and must include in such notification the name, phone numbers and addresses of the property owner and local manager, if any, who will be available for problems or emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the Transient Rental Unit. This will not serve as an official complaint.
- f) In all zoning districts, no person or persons may be housed separately or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle or non-dwelling unit unless such use has been approved by Special Permit by the Town of Walton Planning Board.
- g) House policies shall be prominently displayed within the dwelling during

occupancy by short-term rental tenants. The house policies shall also be included in any advertisement for the short-term rental. At a minimum, the house policies shall include:

1. Quiet hours from 9:00 p.m. to 8:00 a.m. Sunday evening through Friday morning and 10:00 p.m. to 8:00 a.m. Friday evening through Sunday morning, during which time the noise from the short-term rental property shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during nonquiet hours shall not be more excessive than would be otherwise associated with a residential area.
 2. Amplified sound that is audible beyond the property boundaries of the short-term rental home is prohibited.
 3. Vehicles shall be parked in the designated on-site parking area and shall not be parked on the street, unless local parking regulations permit.
 4. Parties or group gatherings by persons other than the short-term rental tenants and permitted guests, are not allowed. Total occupancy shall not exceed the limits established in the short-term rental permit.
 5. A diagram indicating normal and emergency egress routes from the short-term rental dwelling, along with a number to call in the event of an emergency.
- h) Occupancy limitation. The maximum number of overnight occupants shall be no greater than the least of the following standards, which will be noted on any issued permit:
1. Maximum Occupancy permitted by the Uniform Code; or
 2. The number of persons supported by the septic system capacity as determined by the Town Code Enforcement Officer if the dwelling is not served by public sewer.
- i) Exclusive short-term use. There shall only be one short-term rental tenant at any time for any property permitted under this chapter. An owner-occupant or long-term residential tenant and their family residing at the property as their principal residence may continue to occupy the residential lot during the tenancy of a short-term rental tenant, so long as the total occupancy limitation permitted by the Uniform Code is not exceeded.
- j) Lodging taxes. The short-term rental owner shall be responsible for collecting and remitting any required lodging and/or sales taxes on the short-term rental fee, as

required by local, county, state or federal law.

- k) Insurance. Short-term rental owners shall maintain liability insurance for injuries or damage caused by rental guests in an amount determined by the Town Board, as amended from time to time and noted in a schedule to be maintained by the Town Clerk.
- l) Fire safety. In addition to any requirements of the Uniform Code, the following standards shall be met:
 - 1. A hard-wired fire alarm shall be installed in all bedrooms, kitchens and living spaces. As an alternative to a hard-wired system, a Wi-Fi-based system will be permitted with cellular backup.
 - 2. A fire extinguisher shall be installed in any kitchen and within 10 feet of any fireplace, fire pit, outdoor fire feature or outdoor grill.
 - 3. The fire inspector shall verify that adequate access is afforded to the property for emergency vehicles.
- m) Offer to rent. Any advertisement or offer to rent shall include the valid permit number and a disclosure of the short-term rental house policies.
- n) Safe access. Hard-surfaced walkways equipped with low-level lighting shall be provided from the driveway where parking is afforded to the entrance to the short-term rental. Sufficient lighting shall be provided in all outdoor recreational areas. All outdoor lighting shall conform to the requirements of the Zoning Regulations,

Section 12 - Complaints:

- a) Complaints regarding the operation of a Transient Rental Unit shall be in writing and shall be delivered to the Town of Walton Town Clerk.
- b) In the event of a complaint alleging violation of this Local Law, the CEO shall investigate to determine the presence of a violation. Upon finding to their satisfaction that a violation was or is currently occurring, the CEO shall issue to the Transient Rental Unit owner and the local manager a notice detailing the alleged violation(s) as determined by the CEO. Such notice shall also specify what corrective action is required, and the date by which action shall be taken.
- c) Notices required by this section shall be issued by the CEO either by personal service to the owner or the local manager, or by certified mail to the address of the property owner or local manager as shown on the permit application.

- d) If the landowner does not comply with corrective action by the date given by the CEO, the Town of Walton may initiate procedures to revoke the permit, or the Town of Walton may begin a criminal action against the property owner or pursue any other relief permitted by law.

Section 13-Violations:

- a) Any person or entity found to be renting or leasing a Transient Rental Unit without a permit issued shall be in violation of this law.
- b) The CEO shall issue a ticket to any dwelling unit owner that, after having been notified of non-compliance, fails to become compliant with this Local Law by the end of the time period set by the CEO. In the event the health and safety of individuals are at risk, the CEO shall take immediate action to rectify the violation, including but not limited to, initiating proper legal steps to discontinue the operation of said Transient Rental Unit and the removal of the occupants from the premises until such time the violation is rectified.
- c) A violation of this local law is an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.00), or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first-time offense.

Conviction of a second offense committed within a period of five years of the first offense, is punishable by a fine not less than three hundred fifty dollars (\$350.00) and not more than seven hundred dollars (\$700.00), or imprisonment for a period not to exceed six (6) months, or both.

Conviction of a third or subsequent offense committed within a period of five years of the first offense is punishable by a fine not less than seven hundred dollars (\$700.00) and not more than one thousand dollars (\$1,000.00), or imprisonment not to exceed six (6) months, or both.

For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- d) Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town of Walton in a civil action.
- e) In the event that the Town of Walton is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to

the property so affected by including such expense in the next annual tax levy against the dwelling unit.

Section 14 - Enactment: This Local Law shall take effect immediately.

Section 15 - Severability: If any clause, sentence, paragraph, section 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 operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.