

Village of Middleburgh

Schoharie County

LOCAL LAW NO. 1 of 2024

A Local Law to Amend the Zoning Law of the Village of Middleburgh for the Regulation of Short-Term Rentals

Be it hereby enacted by the Village Board of the Village of Middleburgh, Schoharie County, New York, as follows:

SECTION I: INTENT AND PURPOSE

With increases in tourism within the Village of Middleburgh and surrounding communities, there has been an increase in the number of property owners renting to tourists and visitors on a short-term transient basis. The purpose of this local law is to regulate short-term rentals allowing permitted residents of the Village of Middleburgh to take advantage of the economic benefits of such rentals, while preserving the quality of life of all Village residents through minimum safety and regulatory requirements set by New York State.

This local law establishes regulations and standards for all Village of Middleburgh property owners that desire to rent on a short-term transient basis.

SECTION II: AUTHORITY

This Local Law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law, and in accordance with the New York State Village Law, and Section 1.1 Attachment IV of the Zoning Law of the Village of Middleburgh.

SECTION III: DEFINITIONS

The following words, terms, and phrases, when used in this Law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Short-Term Rental (also referred to as “STR”) – A non-owner-occupied dwelling or sleeping unit (or owner-occupied unit that does not fall under provisions for Home Occupation) that is rented or leased in whole or part to one entity for not more than thirty (30) days. 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. Long-term rentals, leased to individuals or families, who then allow others to occupy the dwelling for not more than thirty (30) days, are not a permitted use under this chapter.

B. Guest – A renter at a Short-Term Rental who occupies such STR on an overnight basis for a period of not more than thirty (30) days.

C. Owner – An individual or group of individuals who has legal or equitable title to the premises containing the STR.

D. Operator – Person or entity that conducts the business of the STR.

E. Hosted Property – Where the owner of the premises resides on the same parcel on which an STR is located.

F. Un-Hosted Property – Where the owner of the premises does not reside on the parcel on which an STR is located. The Village Clerk must have on file information of a Local Property Manager for any and all Un-Hosted Properties within the Village.

G. Local Property Manager (also referred to as “LPM”) – An accountable emergency contact consisting of the name and contact information of a person located within thirty (30) miles of the STR and available to respond to any and all tenant or government requests within one (1) hour.

SECTION IV: REGULATIONS

A. Every new STR within the Village of Middleburgh must obtain a permit prior to commencing operation, and every existing STR (or pre-existing non-conforming use) within the Village of Middleburgh shall apply for an initial permit within six (6) months of the effective date of this local law from the Village Code Enforcement Official (hereafter referred to as “CEO”) on an application of suitable form approved by the Village Board. Failure to comply shall be punishable by a civil fee in an amount set by resolution of the Village Board.

B. Non-permanent structures, tents, trailers, recreational vehicles, and similar camping units or out-buildings are not allowed as STRs in the Village of Middleburgh.

C. STRs under these provisions are only allowable in the Commercial and Historic districts within the Village. Home Occupations regulated in the Village of Middleburgh Zoning Law are unaffected. **D.** STRs created in the Historic district must be in owner-occupied structures. Additional use cases for Historic District property owners not otherwise described herein (e.g. STR in a structure other than primary structure, occasional whole house rental with LPM in place) shall be subject to a Special Use Permit issued by the ZBA.

E. STRs within the Commercial district shall not exceed 25 units.

F. Permits shall be applicable to one (1) tax parcel only. If the STR covers more than one tax parcel or if Owners/Operators choose to operate more than one STR in the Village of Middleburgh, the Owner must apply for and obtain a permit for each parcel utilized as an STR.

G. STR permits shall be issued only to the Owner of the STR being registered and may not be transferred or assigned by the Owner listed on the application and shall not be conveyed with a sale or transfer of the premises.

H. Applicants shall comply with Local Law 1-2023 of the County of Schoharie or any subsequent amendment or modification with regard to collection and payment of occupancy tax(es). Failure to comply shall be punishable by a civil fee in an amount set by resolution of the Village Board. **I.** Owners and their designated LPMs shall be responsible for handling day-to-day operations of the STR, assuring that all rules and regulations are met by Guests, including noise, parking and garbage disposal, and shall respond to all complaints from the Village or Public. Name, address, and all contact information of the LPM or Owner must be filed with the permit application to the Village and updated within one business day of any change.

J. Each permit shall have a term of one year expiring one year from issuance. Existing permits must be renewed at least forty-five (45) days prior to the expected expiration of the existing STR permit by submitting a complete application with the appropriate fee to the Village Clerk. All permits will be renewed when appropriate inspections are completed.

SECTION V: INSPECTIONS

The CEO shall perform annual fire and safety inspections by appointment to determine the condition of short-term rentals to ensure compliance with this chapter and other applicable laws. To perform inspections, the code official may enter, examine, and survey, during reasonable hours, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials.

The Owner or Host/Operator of an establishment, otherwise the person in charge, shall give the code official free access to the building without interference or inconvenience to the guests at the STR.

The CEO, within thirty (30) days of the receipt of a complete application, shall conduct an initial inspection of the following items and upon completion and compliance of these provisions and regulations set forth in Section III, shall issue an initial permit.

- A.** The structure has a valid certificate of occupancy or compliance.
- B.** The structure meets NYS Building Code and does not pose a hazard to life, health, or public safety, based on the on-site inspection by the Village CEO.
- C.** The occupancy of the building utilized for the STR shall not exceed the number of persons approved by the CEO, in accordance with the current New York State Building Code.
- D.** STRs shall be limited in occupancy to sleeping ten (10) persons or less.
- E.** There must be one and one-half (1½) parking spots per bedroom in the STR, rounded up to the nearest whole number.
- F.** All parking for STRs must occur on the permitted parcel and not extend into other private or public roadways. No alternative parking arrangements shall be allowed unless approved by the Department of Public Works (“DPW”) Superintendent and CEO and reviewed on a regular basis with the owner of the permitted parcel and any other interested parties. Failure to comply with the requirements herein or failure to provide an adequate parking plan shall result in a possible revocation of the permit until remedied and approved by the CEO and DPW Superintendent.
- G.** STRs shall prominently display the following information within the structure and information must be updated if any changes occur. The CEO must be notified of such within one (1) business day of the change:
 - 1.** Name, address, phone number, and email address of Owner and/or LPM available for complaints or emergencies that arise within the STR;
 - 2.** Instructions for dialing 911 for fire/ambulance assistance, including complete STR address;
 - 3.** A map of the premises that clearly depicts the STR parcel boundaries;
 - 4.** Instructions for garbage/waste disposal (approved container shall be provided by STR owner).
- H.** In all STRs, a fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating all of the following:
 - 1.** Means of egress,
 - 2.** Location of means for transmitting fire alarms, if any,
 - 3.** Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
- I.** Proof of hazard/liability insurance in an appropriate amount for the intended use of the parcel(s) shall be provided with the application and kept up to date by the applicant.
- J.** The 911 address of the rental premises shall be prominently displayed at the roadside in numbers at least four (4) inches high.
- K.** Fire safety requirements including smoke alarms, CO 2 alarms, fire extinguishers and egress will be in accordance with the current New York State Fire Code. Fire extinguisher (and alarm system, where appropriate) certification is required and must be reported to the CEO to be kept on file.

SECTION VI: ENFORCEMENT

- A.** A failure to obtain an STR Permit as required by this law, operating an STR outside of the regulations and standards as defined by this law, or violations of any provisions of this law shall be punishable by a fine of \$250. A judgment of any additional offenses within a period of five (5) years of the first judgment shall be punishable by a fine of \$500. Each full week a violation continues shall be deemed a separate offense.
- B.** Whenever the CEO finds on inspection of the physical premises or review of applicable records of any short-term rental, that conditions or practices exist that violate any provision of these regulations, the Property Maintenance Code, or any other Law, Rule or Regulation, or that the establishment has failed to comply with any provision, prohibition or requirement related to the registration, reporting, collection,

segregation, accounting, disclosure, or payment of the Schoharie County occupancy tax(es) due the County Treasurer, the CEO shall serve upon the Owner or Host either an Order, in writing, directing that the conditions therein be remedied within the time specified in the Order or an Appearance Ticket requiring the holder of such permit to appear before the Town Justice of Middleburgh at a time to be specified in such summons. Said order or summons shall be served personally or by certified mail.

SECTION VII: FEES

Permit fees, other fees, and penalties not otherwise specified within this chapter shall be fixed by resolution of the Village Board.

SECTION VIII: SEPARABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

SECTION IX: EFFECTIVE DATE

The effective date of this Local Law shall be the date of entry into the files of the New York Department of State.

Roll Call Vote (Yea/Nay):

Adams, Sheryl _____

Fernandez, Amanda _____

Knight, Timothy _____

Tinker, Robert _____

Young, Kevin _____

Enacted pursuant to adoption: _____, by the Village Board of the Village of Middleburgh.

Timothy Knight
Mayor, Village of Middleburgh

I hereby certify that this local law, designated as Local Law No. 1 of 2024, was duly passed by the Village Board of the Village of Middleburgh on _____, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated above.

Melanie Laraway,
Village Clerk

Date: _____