

§ 200-36. Short-term residential rental. [Added 11-15-2021 by L.L. No. 2-2022]

A. Purpose.

- (1) Milan citizens have spoken clearly about how they see the future of their Town; they have talked about protecting the rural residential quality of life and the desire to keep Milan housing affordable and accessible to residents. Short-term rentals have changed the character of neighborhoods and reduced the affordability that longer-term rentals provide. The following provisions are offered to protect Town residents and still provide opportunities for income.
- (2) The purpose of this section is to establish a set of regulations applicable to publicly advertised short-term rentals of residential property. These regulations are in addition to all other provisions of this chapter. The following shall apply in addition to all other regulations with respect to short-term rental, hosted, and short-term rental, unhosted, dwellings.

B. Operation requirements and standard conditions for all short-term rentals:

- (1) A short-term rental shall be limited to the primary residence.
- (2) The owner shall complete and sign the short-term rental application form approved by resolution of the Town Board.
- (3) The owner is required to ensure that the unit being offered for short-term rental is maintained to the standards of the New York State Uniform Code and the Town Code, and said owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such rental unit.
- (4) The owner shall limit overnight occupancy of the rental unit to a specific number of occupants, with the maximum number of overnight occupants not to exceed two persons per bedroom. The owner shall also limit the total daytime occupancy of the rental unit to a specific number of occupants not to exceed twice the maximum number of overnight occupants.
- (5) During the term of any short-term rental, the owner, or his or her authorized local agent, shall be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the rental units and must respond within two hours when notified that occupants are violating laws or rules regarding their occupancy in order to prevent reoccurrence. Failure of the owner, or his or her authorized local agent, to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the rental unit within two hours will be grounds for imposition of penalties as set forth in this chapter, in addition to the immediate revocation of the short-term rental permit. It is not intended that the owner, or his or her authorized local agent, act as a peace officer or place himself or herself in a dangerous situation.
- (6) The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the rental unit do not create unreasonable noise or

disturbances, engage in disorderly conduct, or violate any provision of the Town Code or any state law.

- (7) For each short-term rental, prior to occupancy by a renter, the owner or owner's local agent shall obtain the name and address of the responsible person for the rental. The owner or owner's local agent shall maintain this information for one year and have the information readily available on request of the Zoning Enforcement Officer, who is responsible for the enforcement of this chapter.
 - (8) The owner of the rental unit shall post a copy of the short-term rental certificate and a copy of this chapter of the Town Code in a conspicuous place within the rental unit and shall provide each responsible person with the following information prior to occupancy of the unit.
 - (a) The names of the authorized local agent and owner of the unit with telephone numbers where these parties can be reached on a twenty-four-hour basis;
 - (b) The maximum number of overnight occupants permitted to stay in each rental unit and maximum number of daytime occupants allowed in the rental unit and on the property;
 - (c) Notification that failure to conform to the occupancy requirements of the rental unit is a violation of this chapter;
 - (d) The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 - (e) Applicable rules pertaining to pets; and
 - (f) Notification that the responsible person may be cited or fined by the Town and/or immediately evicted by the owner pursuant to state law, and, in addition to any other remedies available at law, for creating a disturbance or for violating any provision of this chapter.
- C. Short-term rental certificate. All short-term rentals shall require a short-term rental certificate as described below:
- (1) An owner must apply for the short-term rental certificate from the Zoning Enforcement Officer using the application form provided by the Town and pay the application fee set by resolution of the Town Board. A short-term rental certificate approving the use of a short-term rental unit must be issued by the Zoning Enforcement Officer prior to utilizing any short-term rental unit.
 - (2) A short-term rental certificate is effective for one year from the date of issuance.
 - (3) A short-term rental certificate issued under this section shall require renewal by the Zoning Enforcement Officer no later than the anniversary of such issuance, if the property is to continue to be operated as a short-term rental.

The owner must request the renewal in writing from the Zoning Enforcement Officer at least 90 days prior to such anniversary. Failure to do so may result in the lapse of the short-term rental certificate. Within 30 days after receipt of a renewal request, the Zoning Enforcement Officer shall review whether the short-term rental is in compliance with the terms of its short-term rental certificate. The Zoning Enforcement Officer shall have the discretion to renew, amend, or deny the renewal of the short-term rental certificate for good cause shown, which may include considerations of violations of the Town Code at the short-term rental unit as well as considerations of noise, disorderly conduct, or public safety at the short-term rental unit. No short-term rental shall be permitted at any time when a valid short-term rental certificate is not in effect.

- (4) Within 60 days after the effective date of this section, the owners of the primary residence being operated as a short-term rental on such effective date shall submit to the Zoning Enforcement Officer an application for a short-term rental certificate.
- (5) If the owner of a primary residence in the Town of Milan has short-term rentals on the property of the primary residence or owns an additional property therein on which he or she has a short-term rental on the effective date of this legislation and is not using their primary residence as a short-term rental, said owner may continue the nonconforming accessory use of the additional property as a short-term rental, provided the owner submits proof satisfactory to the Zoning Enforcement Officer showing short-term rental of the property during the 90 days prior to the effective date of this section. Applications to continue this nonconforming use, subject to the terms of this chapter, must be made within 60 days of the effective date of this section. If the short-term rental certificate lapses on a nonprimary residence short-term rental, then that nonconforming use has lapsed and cannot be re-established under the nonprimary residence condition.
- (6) In addition to the required application fee, a renewal fee shall be paid to the Town in an amount to be set by resolution of the Town Board. The failure to pay required fees shall be a violation of this section.
- (7) A short-term rental certificate shall include the following:
 - (a) The name, address, email, and phone number where the owner of the short-term rental unit can be reached on a twenty-four-hour basis.
 - (b) The name, address, email, and phone number where the authorized local agent of the owner of the short-term rental unit can be reached on a twenty-four-hour basis, if different from the owner.
 - (c) The street address of the rental unit, the number of bedrooms in the rental unit, the maximum number of overnight occupants, limited to two persons per bedroom, and maximum number of daytime occupants, limited to two times the number of overnight occupants of the short-term

rental, acknowledgement that all designated bedrooms meet the requirements of the Town Code and Uniform Code, and acknowledgement that the local agent and owner have read all regulations pertaining to the operation of a short-term rental.

- (d) Copies of a current Dutchess County hotel occupancy tax certificate.
 - (e) Signatures of the owner of the primary residence and, if applicable, their authorized local agent.
 - (f) For a short-term rental, unhosted, the owner shall demonstrate that the property is the primary residence of the owner as defined in § 200-5 of this chapter.
- (8) A short-term rental certificate shall terminate upon the sale or transfer of ownership of the property.
- D. Parking. One off-road parking space, not located on the property's lawn or vegetated area, must be provided per bedroom intended for short-term occupancy. No parking lots or parking areas shall be closer than 20 feet to any residential property line.
- E. Advertising. All advertising, including advertising on reservation websites, for a short-term rental shall include the following:
- (1) The maximum number of overnight occupants permitted to stay in each short-term rental unit, and maximum number of daytime occupants allowed in the rental unit and on the property.
 - (2) Notification that occupants and/or their guests are required to comply with the Code of the Town of Milan.
 - (3) A summary of the general rules of conduct, including a statement that the Town of Milan is a residential community and any unreasonable noise or disturbances, disorderly conduct, or violations of the Town Code will not be tolerated and may result in citation, fines, and/or revocation of the short-term rental certificate.
 - (4) The Town of Milan registration number for the unit.