

**LOCAL LAW No. 4 OF 2023**  
**TOWN OF LEXINGTON**  
**AMENDING THE ESTABLISHMENT OF REGULATIONS REGARDING SHORT**  
**TERM RENTALS**

Be it enacted by the Town of Lexington as follows:

**Section 1. Title**

This Local Law shall be known as “A Local Law Amending the Local Law Establishing Regulations Regarding Short Term Rentals.”

**Section 2. Authorization**

This local law is enacted pursuant to the requirements set forth in the New York State Town Law and Municipal Home Rule Law.

**Section 3. Definitions**

SHORT-TERM RENTAL AND VACATION RENTAL - Furnished apartments or living units in a dwelling ordinarily occupied for residential purposes or otherwise directly by the owner or through an owner's agent or hosting platform. Hereinafter referred to as “STR”.

HOSTED PROPERTY - owner resides on the property on which an STR is located.

UNHOSTED PROPERTY - owner not living on property but must have a Local Property Manager- Person in charge of managing property.

OWNER AND/OR OPERATOR – Person or entity that owns the parcel of land on which the STR is operated or the person or entity that conducts the business of the STR.

LOCAL PROPERTY MANAGER (LPM) – Person that lives within the Town or within 30 miles of the Unhosted Property STR. Responsibilities of the LPM include assuring that all rules and regulations are met by guests including noise, parking and garbage disposal and shall respond to all complaints from the Town or the public. Name, address and phone number of the LPM must be filed with the permit application to the Town. Any change in the required information shall be filed with the Town within five days of such change.

**Section 4. Regulations**

- A. Every new STR must obtain a permit prior to commencing operation and every current STR within the Town of Lexington must register for a permit from the Town Code Enforcement Officer (CEO). The CEO, within 30 (thirty) days of the receipt of a complete application, shall conduct an initial inspection of the following items and upon successful completion, the initial permit shall be issued.
  - i. The applicant must provide a water test result of the potable water supply of the rented dwelling that complies with Subpart 5-1 (non-community water system) of the New York State Sanitary Code. Subsequent water tests

- shall be required every three years with the submission of an affidavit outlining the test procedure..
- ii. The occupancy of the building utilized for the STR shall not exceed the number of persons approved by the CEO based upon bedrooms, in accordance with the New York State Building Code.
  - iii. STRs will be limited in occupancy to sleeping 15 persons or less. Any establishment that can house and sleep more than 15 persons will not be considered an STR and will be subject to the same rules and regulations as hotels/motels.
  - iv. All parking for STRs must occur on the parcel. No parking on any roads by STR guests, renters or visitors will be allowed. Failure to comply at all times with the requirements herein shall result in a revocation of the permit until remedied and approved by the CEO.
  - v. The applicant shall provide an emergency number on the application and shall prominently post such number in the property. All emergency calls from the Town or renters must be responded to within sixty (60) minutes.
  - vi. Proof of hazard/liability insurance in an appropriate amount is recommended.
  - vii. Each permit shall have a term of one (1) year and must be renewed at the expiration of one year, with the appropriate fee as set by resolution of the Town Board from time to time and inspection by the CEO.
- B. The fee for such inspection shall be set by resolution of the Town Board from time to time. Permits shall be applicable to one tax parcel only. If the STR covers more than one parcel, the owner must obtain a permit for each parcel utilized as an STR. If there are more than one STR on a parcel, each individual unit must have its own permit.
- C. The owner of every STR within the Town of Lexington shall apply for an initial permit within 180 days of the effective date of this local law. Failure to do so shall be punishable by a civil fee in an amount to be set by resolution of the Town Board.
- D. STR permits shall be issued only to the property owner of the STR being registered.
- E. Failure to meet New York State Sanitary Code Standards shall require that STR owner or operator to notify guests of the failure, and provide potable bottled water to the guests, until such time as the failure is remedied. Upon failure of a water test, STR operator shall be required to submit a quarterly test for a period of one year to continue operation.
- F. All current non-resident owners/operators of STRs may continue operation provided a permit is timely obtained hereunder from the CEO. However thereafter, only ten (10) further permits may be issued to new non-resident owners of STRs on a first-come-first serve basis. The CEO shall maintain a list of interested non-resident owners who may apply for a new permit when one becomes available after the tenth (10<sup>th</sup>) new non-resident permit is issued. There shall be no cap for resident owners permits. The annual renewal requirements set forth above shall also apply.

- G. At any time a violation is issued, the host has thirty days to remedy the violation. If a host receives three violations and the violations are not remedied and the host is still renting the dwelling, revocation of said license will ensue. If the owner is found guilty of having three violations in any calendar year, the permit shall be revoked. The CEO shall inspect the STR after each violation.
  - 1. First violation: warning
  - 2. Second notice: \$500
  - 3. Thirds notice; \$1000
  - 4. Fourth notice ; \$1500, etc.
- H. Fire safety requirements including smoke alarms, C02 alarms, and fire extinguishers, in accordance with the most recent version to the National Fire Safety Code. Fire extinguisher certification is required every 12 months. The owner/operator shall submit an affidavit affirming that the property continues to be in compliance with the National Fire Safety Code at the time of each renewal.
- I. The 911-Fire number of the rental property shall be prominently displayed at the curb of the property in numerals at least 4 inches high.
- J. In any STR with 5 bedrooms or more, placards must be placed within the rental, delineating clear route of exit in case of emergency in every bedroom, to be affixed to the back, inside surface of the bedroom door.
- K. Information shall be prominently displayed stating: "Strict adherence to local restrictions such as no trespassing on property boundaries outside of your hosts, adherence to noise limitations after 10 PM, and proper garbage disposal in accordance with the Town Zoning and other Local Laws, is essential for us to maintain our STR license. Please help us by respecting these laws. In addition, please be sure to review our house rules."
- L. A copy of the local law in regard to snow mobiles and ATVs will be prominently displayed.

## **Section 5. Enforcement**

- A. Violations of this Local Law shall be enforced in the same manner of violations of the Town Zoning Law.
- B. A Review and Appeals Board is hereby formed to receive, investigate and make determinations on complaints and/or appeals of determinations by the CEO. The Committee shall include: one member from the Town Council, one member from the planning board, one full time resident who does not own or run an STR, and two STR owners, both of whom must be full-time town residents, and one of whom shall be a member of a local association of STR owners. All members of the appeals board will be appointed by the Town Council and shall use the same standards set forth in Town

Law §267-b (1) relating to interpretations and shall follow the same public hearing and decision-making process as set forth in such section..

**Section 5.      Effective**

This Local Law shall take effect immediately in accordance with the requirements of the New York State Municipal Home Rule Law.