

TOWN OF IRVINGTON SHORT TERM RENTALS ORDINANCE

I. Statement of Intent

Acknowledging the impact of the "Sharing Economy" as evidenced by the phenomenal growth of short term rental businesses such as AirB &B, VRBO and others, the Town of Irvington wishes to address resident concerns while balancing the desires of property owners who wish to maximize their real estate investment by participating in this growing trend. Irvington has long maintained policies to ensure that it is a place where families want to live and believes these policies are critical to our town remaining a safe, close-knit and thriving community. Recognizing the need to accommodate STR demand, the Town intends to do so in a way that 1). does not result in reducing the desirability of our neighborhoods for families, 2). does not allow for adverse impacts on resident's welfare, safety, property values, or enjoyment of their own properties, and 3). does not promote the purchase and use of single family dwellings for commercial purposes. No area within the town limits shall be designated as an AirB&B, VRBO, or Short Term Rental area.

The Town maintains that Short Term Rentals are a provision of the residential ordinances, NOT a property right. A property owner seeking to rent out property for 30 days or less must apply for a CUP authorizing a home business- specifically a "transient lodging facility" or "short term rental".

II. Conditions

In order to maintain the community feel so treasured by our residents, CUPS:

- will NOT be issued to individuals who do not maintain their primary residence in Irvington.
- will be limited in number; when the "cap" is reached, a waiting list will be maintained. The "Cap" is 5% of the number of residences in Irvington.
- will not be issued for properties that are within 200 feet of an existing STR. Our residential communities are NOT business districts.
- a CUP does not transfer to a new owner upon sale of a property.

III. Requirements for Issuing a Conditional Use Permit:

- a Town STR registration, payment of a permit fee (as set by Town Council), a State sales tax registration, a monthly activity report and payment of required occupancy taxes.
- proof of property ownership

- proof of insurance coverage for Short Term Rentals.
- proof of notification of neighbors if a driveway is shared, or if STR is within 50 feet of a neighboring house.
- a management plan detailing how advertising, collections, trash collection, cleaning, noise, parking and safety issues will be handled AND how you will minimize the impact of your STR on neighbors and their properties.
- the permit must be renewed annually and may be revoked by the Zoning administrator for non-compliance with the CUP specifications, for failure to collect the required taxes, OR for repeated complaints by neighbors. Appeals may be made to the BZA. A permit is in effect from 1 January through 31 December of each calendar year.
- property owners or their agents are required to maintain a presence within 10 miles of the property when it is rented; contact information must be posted in the property; and owners or their agent must be available 24/7 during each rental period.
- all STRs must comply with fire, building and health code requirements for comparable small businesses (ie: Bed and Breakfast, Motels and Hotels). If alcohol is provided, an ABC license- as required for a Bed and Breakfast- must be obtained.
- certified property owners may rent their primary residence, a room in the primary residence or an accessory building on the same lot as the primary residence.

IV. Safety

- the unit shall have UL certified smoke alarms in each bedroom, hallways and common areas
- carbon monoxide detectors are required when the property is serviced by propane.
- any sleeping area must have one other means of egress besides the entrance point.
- as part of the registration process, the host must certify that the property meets all of the above criteria and agree to inspections of the property at reasonable times after notice has been provided. Failure to permit such inspections is grounds to deny an application.

1. Use Regulations

- no recreational vehicles, buses or trailers may be parked on the street or visible on the property in conjunction with the STR use.
- a host shall not permit occupancy of a STR for less than 24 hours.

- one off street parking space per bedroom is required; no parking on grass.
- occupancy is limited to 2 persons per bedroom or the septic permit number whichever is less.
- the principal guest of a STR must be at least 18 years of age.
- during each rental stay, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the property. The host shall provide this information upon request to authorized town officials.
- STRs shall not be used for parties or events.
- STRs must be in compliance with noise ordinances.
- no signage on the property may advertise rental or announce its current rental status.
- the plan for trash removal must be posted on the property. Under NO circumstances may trash be bagged and piled up outside the unit.

VI. Penalties

- 1). Failure to register a property that is advertised for Short Term Rental: \$1000.00; after notification, \$50.00/day until registered.
- 2). Non-compliance with CUP provisions, health, fire, or building codes, or noise ordinances, OR repeated neighbor complaints : \$500.00 first warning; \$750.00 second occurrence; \$1000.00 third and final warning. Thereafter, revocation of CUP permit.

VII. Collection and Reporting Requirements

- The rental tax rate is 8%; paid monthly by the 10th day of the following month; a 2% late filing penalty applies.
- a monthly report must be submitted regardless of rental activity. Payment must be made by the 10th day of the following month.
- The taxes required to be collected under this article shall be deemed to be held “in trust” until they are remitted to the Town Clerk.
- Records of name and addresses of guests and dates of their stay must be kept for 2 years.
- Records are subject to audit.

VIII. Grandfathering

Current residents of Irvington, who operated Short Term Rentals before the adoption of this ordinance, (including `rentals which were not part of their residential property), who have properly registered their rental and paid

lodging taxes before 1 March 2020 are Grandfathered. This CUP is for current owners only and does NOT convey if property is transferred to another.