

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Shawangunk, Ulster County, New York

Local Law No. 3 of the year 2025

A local law Short-Term Rental Safety and Inspection License  
(Insert Title)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Be it enacted by the Town Board of the \_\_\_\_\_  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Shawangunk as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## Local Law Number 3 of the Year 2025

### Short-Term Rental Safety and Inspection License

Be it enacted by the Town Board of the Town of Shawangunk on July 17, 2025 as follows:

Section 1 – Purpose: Short Term Rentals (STRs) have become commonplace in the Town of Shawangunk and regulations to protect the safety of guests and of the community currently need improvement. The main purpose of this local law is to require standards for the operation of STR's to ensure compliance with NYS Uniform Building and Fire Codes, compliance with this local law and to provide safe and harmonious short-term rental units in the Town. This law is not to be read as requiring a new registry of STR units as that function is within the jurisdiction of the County of Ulster. The following local law imposes mandatory regulations on all Town of Shawangunk property owners that desire to rent their residential property on a short-term basis. The presence of the following shall create a presumption that all or a part of a tax lot is being used as a short-term rental:

- A. The property, or a part of it, is offered for lease on a short-term rental website including, but not limited to, Airbnb, Home Away, VRBO or any other form of advertising, for a rental period of 30 days or less.
- B. The foregoing presumptions may be rebutted by evidence presented to and acceptable to the Code Official that the premises is not operated as a short-term-rental.

Section 2 – Authority: This local law is enacted pursuant to the provisions of the NYS Constitution, The Statute of Local Governments, the Municipal Home Rule Law, Article 9 of the Town Law of the State of New York at Section 130 Sub-Sections 3-(a) and 20 and NYS Real Property Law Section 447.

Section 3 – Codification: This is not an amendment to the Town Zoning Law but, instead, a separate license process authorized by Town Law Article 9 and also by the general police power of the Town Board to provide for the health, safety and welfare of its citizens. This local law shall be codified as Section 140 of the Code of the Town of Shawangunk.

Section 4 – Definition: A Short-Term Rental is any lawful dwelling unit which is rented or leased for compensation for a period of less than thirty (30) consecutive days. The dwelling unit must comply with existing zoning laws and NYS Building and Fire Code requirements. A pre-existing, non-conforming residential unit, meeting all NYS Building and Fire Code requirements and the requirements of this chapter, shall be eligible for an STR License. The maximum overnight occupancy shall be no more than twelve (12) persons over age 18, inclusive of permanent residents and conventional renters. Regardless,

private septic systems must be certified as able to support the flows for the maximum number of persons for any STR. Motels, hotels, bed and breakfast facilities, country inns and other dwellings already regulated by the New York State Department of Health and by existing state and local laws and regulations are not included in this definition. The term "Code Official" shall include the Town's Code Enforcement Officer, Building Inspector, Zoning Enforcement Officer or their duly appointed deputies or designees.

Section 5 – Authorization: This local law authorizes the Code Enforcement Officer (CEO) of the Town to license Short-Term Rental Units according to the provisions set forth herein. Applications for the same shall be processed under the procedures set forth in this law.

Section 6 – Application: All property owners desiring to rent residential housing on a short-term basis must comply with the regulations of this local law and obtain an STR License. However, nothing in this law shall alter nor supersede any regulations or requirements of the Town of Shawangunk Zoning Law, the applicable Department of Health regulations and NYS Uniform Building and Fire Codes.

A. Applications for a short-term rental license or the renewal of same may be obtained from the Town of Shawangunk Code Enforcement Officer. Short-term rental license applications shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable license fee to be determined from time to time by resolution of the Town Board. The application shall include the following:

- (1) The signatures of all owners of the real property and of the operator of the business, if different than the owner or their designated agents.
  - (2) A statement authorizing the Code Enforcement Officer and Fire Inspector to inspect the property to ensure compliance with all requirements and standards contained within this chapter. In lieu thereof, See Section 14 below.
  - (3) An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this chapter, including, but not limited to, the demonstration of adequate off-street parking spaces for the proposed short-term rental.
  - (4) A list of all owners as per A(1) above, including names, addresses, telephone numbers and email addresses of each.
  - (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this local law. The contact person may be an owner, or an agent designated by the owner(s) to serve as a contact person, and shall respond to any correspondence or concern from the Town Code Enforcement Officer within 24 hours or sooner if the CEO or law enforcement determines there are exigent circumstances.
- Notwithstanding, if an occupant of an STR, or the CEO or law enforcement

requires the contact person to come to the premises, he or she shall have one (1) hour to arrive.

(6) An accurate sketch map reflecting the location of all buildings and required parking.

(7) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but must be approved by the Code Official or his or her designee and must include the following:

(a) Basement: location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.

(b) First floor: all rooms including bedrooms, windows, exits and any heating/cooling units.

(c) Second floor: all rooms including bedrooms, windows, exits and any heating/cooling units.

(d) Attic (if present): all rooms including bedrooms, windows, exits and any heating/cooling units.

B. A statement that none of the owners of the subject property have had a short-term rental license revoked within the previous year for any rental properties owned individually or together with others.

C. No STR License shall be issued unless there has been at least one in-person meeting between the Code Official and the applicant.

B. All completed applications are subject to a floor plan review and approval by the Code Enforcement Officer.

D. No STR License shall be issued nor shall one be renewed unless and until the applicant proves that they have registered with the County of Ulster allowing the County to collect the hotel/motel room occupancy tax.

Section 7 – Fee: A nonrefundable fee, set from time-to-time by the Town Board by Resolution, shall be submitted with each new STR application or annual license renewal.

Section 8 – Existing Short-term Rentals: All existing Short Term Rentals in the Town of Shawangunk must apply for and obtain an STR License not later than ninety (90) days from the effective date of this local law.

Section 9 – Failure to Apply: Failure to apply for and obtain the STR License or failure to renew prior to expiration will result in an additional Twenty-Five (\$25) dollar fee per month over and above the base license fee set per Section 7 above and in addition to all fines and penalties set forth in Section 23 below.

Section 10 – Application Forms: Applications for a license for a short-term rental or renewal shall be available at the Town of Shawangunk Building Department during office hours or on the Town of Shawangunk website. Applicants shall file a separate form for each dwelling they own but in no case

not more than one STR License may be granted for any one tax lot.. The standards for a new or renewal license shall be as follows:

A. Property requirements.

- (1) Property must comply and meet all current NYS Uniform Building and Fire Codes.
- (2) There shall be working smoke detectors and Carbon monoxide detectors installed as required by the New York State Uniform Fire Prevention and Building Code
- (3) Evacuation procedures must be posted in each sleeping room 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.
- (4) There shall be operable fire extinguishers per NYS Building Codes. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
- (5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer and Fire Inspector during the permitting process. Any defects found shall be corrected prior to permit issuance.
- (8) All fireplaces shall comply with all applicable laws and regulations.
- (9) The property must have a minimum of one off-street parking space for every bedroom shown on the floor plan included with the application unless adequate on-street parking is available.
- (10) The maximum overnight occupancy of a short-term rental unit shall not exceed 12 adults, including permanent residents and conventional renters.
- (11) In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any short- term rental unit exceed 12 adults total.
- (12) A septic system at the property must meet all county and state requirements.

(13) The septic system must be maintained and pumped, as needed.

(14) The water supply to the property must meet all county and state requirements.

B. Insurance standards. All applicants and permit holders must provide evidence of property insurance and a certificate of liability insurance indicating the premises is rated as a Short-Term Rental and maintain such insurance throughout the term of the short-term rental license.

C. Refuse Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.

D. Applicants must certify:

(1) Maximum property occupancy;

(2) Maximum on-site parking provided; and

(3) Good neighbor statement conspicuously posted at the site stating:

(a) The short-term rental is in a residential area in the Town of Shawangunk and that renters must be considerate of the residents in neighboring homes.

(b) Guests are requested to observe quiet hours from 11:00 p.m. through 7:00 a.m.

(c) All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct.

(d) Littering is illegal;

(e) Recreational campfires must be attended and meet the requirements of the Town and New York State Fire Code.

(f) The contact person's contact information. The contact person must be able to arrive at the site within one hour of any reasonable request to do so.

E. Other prohibitions. No special events may be conducted on the site by virtue of the STR License.

Section 11 – Time for a Decision: Upon receipt of the application and fee, the Town of Shawangunk Code Official has thirty (30) days to determine if additional information is required or if the building needs to be inspected. The Code Official shall issue the license when he or she is satisfied that all application and license requirements have been met. Any additional information requested must be submitted within fifteen (15) days of such request and the Code Official shall have fifteen (15) days from receipt of all such additional information to rule on the application. In the event that the Code Official determines to deny the application he or she shall provide the

applicant with the reasons for such denial in writing within thirty (30) days of the receipt of such additional information or after twenty (20) days from the applicant's failure to respond to requests for additional information. At anytime, the Code Official may seek the non-binding advice from the Planning Board which may extend the time for a decision.

Section 12 – Renewal Licenses: It is the owner's responsibility to apply for the renewal at least 60 days prior to the license expiration on a form provided by the Town. A copy of the previous license must be provided and the renewal fee must be submitted. The applicant will provide the Town of Shawangunk with any changes in writing prior to any renewal being issued. Section 14 below applies to renewal licenses. The applicant will be notified within thirty (30) days if additional information is required and if the renewal is not granted the same process per Section 11 above shall apply.

Section 13 – Permitted Time: Licenses will be in effect for one (1) year from date of issuance. Licenses are not transferable to any new owner.

Section 14 – Inspections: Each unit may be inspected by the Town Code Enforcement Officer or his or her designee. If the owner refuses to grant access for inspections the Code Official may accept, in lieu thereof, a signed and stamped Certificate from a state-licensed professional engineer certifying that all applicable building codes have been met, that all of the STR License requirements contained in this local law have been met and that such Certificate must state that it is based upon a recent personal inspection by the engineer of both the interior and exterior of the particular unit.

Section 15 – Notification: All applicants must notify, in writing, all property owners within a 200 foot radius of the outer boundaries of the lot containing the proposed short-term rental unit of the substance of the proposal and file proof of such notification with the CEO not later than ten (10) days after application. Such notification must include the name and phone number of the contact person should problems arise. The contact person must be on call at all times during the occupancy of the STR and must be able to arrive at the STR within 1 hour of any reasonable request to do so.

Section 16 – INTENTIONALLY OMITTED

Section 17 – No Warranty of Habitability: The licensing of a short term rental property is for the purpose of information gathering for the Town's Code Enforcement Office, to address nuisance conditions and ensure adherence to state and local zoning and building codes and this local law. The STR license is not an endorsement nor approval of the safety or suitability of the dwelling unit as a residential rental property.

Section 18 – Limitation on Number of Licenses: The Town Board of the Town of Shawangunk may by resolution from time-to-time limit the total number of STR Licenses to be issued by the Town during any specified period of time if, in the sole discretion of the Town Board, the same is necessary to preserve the conventional renter’s housing opportunities within the Town.

Section 19 – Commercial Use: The STR License shall be considered a commercial use and a privilege and not a residential property right as the STR use is considered a supplementary business.

Section 20 – Revocation: For good cause and upon reasonable information and belief, the Code Official may notify the owner in writing that its STR License is proposed to be revoked for stated reasons. The owner shall be afforded a limited opportunity to cure any alleged violations unless, in the opinion of the Code Official, life and safety issues require immediate action.

Section 21 - Grounds for suspension or revocation of license.

A. The Code Enforcement Officer may immediately suspend a short-term rental license based on any of the following grounds:

- (1) Applicant has falsified or failed to provide information in the application for a license or the application for license renewal.
- (2) Applicant has failed to meet or comply with any of the requirements of this chapter.
- (3) Owner or operator is in violation of any provision of the Code of the Town of Shawangunk and/or the New York State Building and Fire Codes.
- (4) Owner or operator has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to, the occupancy of the short- term rental.
- (5) Any conduct on the premises, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
- (6) Removal or failure to maintain any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

Section 22 – Appeals: Any owner who is refused an STR license, is refused a renewal or has its license revoked may appeal to the Town of Shawangunk Town Board in writing within 30 days of such event. The Town Board shall provide notice to the owner and an opportunity to be heard. All such appeals shall be decided within sixty (60) days of the filing of a complete application for an appeal.

Section 23 – Compliance and Penalties: The failure of an owner to apply for and obtain the initial STR License and/or the renewal of the same shall subject the owner to a violation process which could result in the following:

- a. Violations of this chapter or of any short-term rental license issued pursuant to this section shall be subject to enforcement and penalties prescribed in this chapter and elsewhere in the Town Code.
- b. If the Code Enforcement Officer, or his or her designee, either witnesses or receives a written complaint of an alleged violation of this section or of any short-term rental license issued pursuant to this chapter, the Code Enforcement Officer shall properly record such complaint and investigate the report thereon as soon as practicable. If the Code Enforcement Officer determines there is a violation, the owners shall be notified in writing by first class mail and certified return receipt mail of said violations and the Code Enforcement Officer may take any or all of the following actions:
  - (1) Attach additional corrective conditions to the existing Short-Term Rental License.
  - (2) Suspend the Short-Term Rental License. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk.
  - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the Short-Term Rental License, unless the Code Official certifies in writing there are exigent circumstances requiring immediate corrective action.
  - (4) Issue a court appearance ticket for violation of this.
  - (5) Revoke the Short-Term Rental License. Should a license be revoked, all owners of the short-term rental are prohibited from obtaining a Short-Term Rental License on the property for one year after the date of revocation. The Code Enforcement Officer shall send notices of revocation to property owners and managers and shall file a copy with the Town Clerk.
  - (6) Penalties. In the event a property owner or other person is convicted of a violation of this chapter by a court of competent jurisdiction, the penalty for the first violation shall be subject to a fine not to exceed \$750; a second violation shall be subject to a fine not to exceed \$2,000; and a third violation shall be subject to a fine not to exceed \$5,000. Each week the violation continues shall be punishable as a separate violation with up to the maximum fine for each violation.
  - (7) The term “Code Enforcement Office” as used in this article shall refer to the Town’s Code Enforcement Officer, Building Inspector, Deputy Building Inspector, Inspectors, Zoning Enforcement Officer and their duly authorized designees.
- c. Injunctive relief via a proceeding in the Ulster County Supreme Court

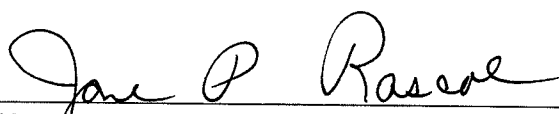
Section 24 – Severability: If any section of subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part of provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed. The determination by any court of competent jurisdiction that any provision of the within local law is enforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way effect the enforceability or validity of any other provisions contained herein. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgement or order shall be rendered. In the event that a court of competent jurisdiction determines that any aspect of this local law is superseded by NYS Real Property Law Section 447, only that portion of this local law shall be superseded and the balance of this local law shall survive.

EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

BE IT ENACTED THIS 7 DAY OF August 2025 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK

KENNETH RONK JR., SUPERVISOR  
ADRIAN M. DEWITT, COUNCILMAN  
BRIAN AMTHOR, COUNCILMAN  
ALEX DANON, COUNCILMAN  
JOSEPH LOCICERO, COUNCILMAN

  
\_\_\_\_\_  
JANE P. RASCOE, Town Clerk

ATTEST:

TOWN SEAL:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Shawangunk, NY was duly passed by the Town Board on August 7 2025, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 \_\_\_\_\_ above.

*Jane P. Rascoe*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: JANE P. RASCOE 8/7/2025

(Seal)