

LOCAL LAW INTRODUCTORY No. D-1 of 2018
Village of Tuxedo Park, New York

**A LOCAL LAW AMENDING THE VILLAGE CODE CONCERNING THE
REGULATION OF THE USE OF RESIDENCE BUILDINGS WITHIN THE VILLAGE
FOR OTHER THAN PERMANENT RESIDENCE PURPOSES AND ADVERTISING OF
RESIDENCE BUILDINGS**

BE IT ENACTED by the Village Board of the Village of Tuxedo Park, Orange County, New York as follows:

Section 1. Purpose and Legislative Intent.

The Board of Trustees of the Village of Tuxedo Park (the “Village”) finds and determines that it is necessary to prevent the commercialization of the residential developments within the Village. The Village of Tuxedo Park, a product of its development as a sparsely populated village nestled in a rugged landscape with meandering roadways, and bestowed with a listing on the National Register of Historic Places, reflects a serene residential environment, in which security, tranquility and the absence of commercial or tourist activity or resources are vital elements of the fabric of the Village. The Board of Trustees finds that transient short-term rentals for commercial purposes are incompatible with the residential nature of the Village, and finds that the need for the regulating transient short-term commercial rentals is thereby of particular importance to the well-being and enjoyment of Village property owners, residents, and guests, and will ensure the tranquility, quietude, and continuance of the existing residential character they expect in this unique Village. The Board of Trustees further finds that transient short term rentals often do not provide for the additional and necessary building and fire safety measures typically required for commercial properties and thereby, endangering the safety of occupants, renters, and neighbors. The Board of Trustees further finds that short term rentals of residential property and the commercialization of residential developments reduces the quality of life in its neighborhoods and those residing in them, negatively affects the Village’s historical nature and unique neighborhood character, reduces cohesion in the Village, may reduce property values of certain residential properties, and may reduce the number of people who are invested in the neighborhood; and

Section 2. Amendment

- A. Village Code, Part II, Chapter 100 (Zoning), § 100-2 (Definitions) Subsection B is hereby amended by adding the following definitions:**

PERMANENT RESIDENCE PURPOSES

For the purposes of this Chapter, "permanent residence purposes" shall consist of occupancy of a Residence Building by the same natural person or family for thirty consecutive days or more and a person or family so occupying a Residence Building shall be referred to herein as the permanent occupants of such Residence Building. The following uses of a Residence Building by the permanent occupants thereof shall not be deemed to be inconsistent with the occupancy of such Residence Building for permanent residence purposes:

- (A) occupancy of such Residence Building for fewer than [thirty] consecutive days by other natural persons living within the household of the permanent occupant such as house guests, provided that there is no monetary compensation paid to the permanent occupants for such occupancy; or
- (B) incidental and occasional occupancy of such Residence Building for fewer than [thirty] consecutive days by other natural persons when the permanent occupants are temporarily absent for personal reasons such as vacation or medical treatment, provided that there is no monetary compensation paid to the permanent occupants for such occupancy; or
- (C) occupancy of such Residence Building by caregivers, nurses or other persons providing caregiving or medical services to a permanent occupant or a member of her family.

ADVERTISE

Advertise shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

B. Village Code, Part II, Chapter 100 (Zoning), 100-6 (Permitted Uses) is hereby amended by adding Subsection I, as follows:

- I. A Residence Building shall only be used for permanent residence purposes. It shall be unlawful to advertise occupancy or use of a Residence Building for other than permanent residence purposes. A person or entity (including a principal of any entity) who rents property from a premises owner or lawful lessee who is in violation of this Chapter shall be deemed to have committed a separate and independent violation of this Chapter.

Section 3. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.4 (b)(2) this Local Law is classified as Type I action.

Section 4. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.