

§ 175-52. Tourist accommodations and Residential Rentals.

Motels, hotels, tourist time-share projects, housekeeping cottages, and other tourist accommodations shall be subject to the following additional requirements:

A. Purpose. The purpose of this section is to promote the health, safety and general welfare of the residents of the Town of Lake George, to ensure tourism accommodations are developed and redeveloped in harmony with the surrounding neighborhood and natural environment, and to provide a degree of flexibility to existing tourism accommodations seeking to redevelop their facilities.

B. Use of Residences for short-term rentals. Residential property owners may use their dwellings for short-term rentals (30 days or less) after applying for and obtaining a “Residential Rental” permit from the Planning and Zoning Office, for a fee of \$50. Residential property owners, who want to rent their dwellings out for a period longer than one month at a time, may do so without a Residential Rental permit. Short-term residential rentals shall be prohibited in the RM-1, RM-2, [RH](#), [RR](#) and [LCRR](#) districts.

- (1) The owner of the rental property assumes responsibility for the health, safety, and welfare of the renter(s) by assuring compliance with the appropriate fire prevention and building codes, sanitary codes, and local Town of Lake George Zoning Code.
- (2) The owner of the rental property assumes responsibility for the conduct of the tenants so as to protect the health, safety, and welfare of the surrounding property owners and to protect the property values of the neighborhood.
- (3) The rental premises must have adequate parking, garbage facilities, occupancy, septic capacity, and a local emergency contact, as determined by the provisions in this code, and by determination of the Zoning Officer. If the Zoning Officer determines any of these requirements are not adequately addressed, or that the residential rental is in a location that may pose adverse impacts, Site Plan Review may be required.
 - (a) Smoke Detectors. Each rental dwelling shall be equipped with a functioning smoke detector and CO2 monitor, in compliance with New York State Uniform Fire Prevention and Building Code.
 - (b) Septic Systems. All on-site septic systems shall be clearly identified to prevent damage from cars parking or installation of equipment.
 - (c) Occupancy limitation. Occupancy limitation is based on the number of bedrooms in the dwelling, and is calculated at two persons per bedroom, plus two additional persons.
 - (d) Requirements of owners of rental property. All owners of short term rental property shall maintain, at the premise to be rented, the signed “Residential

Rental” permit, which contains information on emergency contact persons, relevant septic system information, trash disposal information, occupancy limitations (including duration limit for short-term rentals and minimum lengths of stay for rentals over 30 days in duration), and any other pertinent information relevant to use or restrictions of the property.

(4) Each Residential Rental shall, at a minimum, comply with NYS Property Maintenance Code Section 404.1 pertaining to minimum square footage requirements per person, and shall not exceed occupancy limits enforced by Warren County Building Codes and Fire Prevention.

(5) Change of Use. Residential property owners utilizing their property for short-term residential rentals, who have an approved license for such use, will be considered similarly to “tourist accommodation” type uses. As such, those property owners with residential rental licenses will be subject to occupancy tax requirements.

(6) Grandfathering of pre-existing, non-conforming short-term residential rentals. Short-term residential rentals located in zoning districts where the use is no longer allowed but that were in existence and known (recorded) to the Planning and Zoning Office on or before the date of the adoption of this section, shall be grandfathered and allowed to continue as a short-term residential rental, only if:

- a) The owner of said residential rental follows the same process for permitting of the short-term residential rental, as described in this section.
- b) The property is located on a major thoroughfare street or other highly traveled road that is not conducive to privacy from vehicles or noise from traffic. Those rentals in existence on or before the date of the adoption of this section that are located on dead-end residential streets or cul-de-sac streets are not to be grandfathered due to the private nature and residential character of said streets.
- c) Any grandfathered short-term residential rental shall only be allowed to continue under the same property ownership as of the date of this section when the residential rental was grandfathered. Any change of ownership or changes in deeds to reflect new owners shall constitute a cancellation of the grandfathered short-term residential rental status.
- a)d) If the property to be grandfathered as a short-term rental is allowed to continue based on the above standards, said rental shall not accumulate more than three (3) legitimate complaints on the property due to said rental, legitimate meaning a complaint that garners a violation of the Town code or a follow-up response (not just a complaint) to the rental property from a police agency. Any grandfathered short-term residential rental that accumulates more than three (3) legitimate complaints on the operation of the short-term residential rental shall have their grandfathered status withdrawn and the short-term residential rental shall cease.