

TOWN OF KIRKWOOD

LOCAL LAW NO. 1-2026

A LOCAL LAW REGULATING SHORT-TERM RENTALS

Be it enacted by the Town Board of the Town of Kirkwood as follows:

Section 1. Purpose, Intent and Authority

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy and community currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town. The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income to Town residents and property owners. Accordingly, the Town Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This law is adopted pursuant to New York Municipal Home Rule Law and New York Town Law.

Section 2. Definitions

The following words shall have the meanings indicated:

BEDROOM – The definition of “bedroom” as used in this local law shall be the same as it appears in the Property Maintenance Code of New York State.

DWELLING UNIT – The definition of “dwelling unit” as used in this local law shall be the same as it appears in the Property Maintenance Code of New York State.

LOCAL MANAGER – The person specifically named on the application and permit who is responsible for the day-to-day operation of the Short-Term Rental Property, and who may be contacted, day or night, with regard to the Short-Term Rental Property. The local manager may be either the owner or an agent of the owner. The local manager must reside within twenty (20) miles of the Town of Kirkwood.

NON-RESIDENT OWNER – Owners whose primary residence is further than twenty (20) miles from the Town of Kirkwood.

OWNER – All entities having an ownership interest in a dwelling unit which is used as a short-term rental.

PARKING SPACE – An area at least nine feet six inches (9’6”) by nineteen feet (19) with direct access or legal right-of-way to a public street or highway, intended for the temporary storage of motor vehicles.

SHORT-TERM RENTAL – A dwelling unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, campground or bed-and-breakfast.

SHORT-TERM RENTAL PROPERTY – The entire area which is under the ownership or control of the short-term rental owner, including, as applicable, the parcel of land on which a short-term rental is located, together with the dwelling in which it is located and any other structures on the parcel.

Section 3. Permit Application and Approval Process

- A. Permit Required. No property within the Town of Kirkwood shall be used as a Short-Term Rental unless the owner of such property applies for and obtains a Short-Term Rental Permit issued by the Town of Kirkwood Code Enforcement Officer.
- B. Form of Application and Fee. Short-Term Rental permit applications shall be submitted on a form provided by the Town and shall be accompanied by a non-refundable permit fee, which shall be established by Resolution of the Town Board.
- C. Contents of Application. The initial permit application shall include the following:
 - 1. Contact Information: The names, addresses and day and night telephone numbers of the property owner and local manager. Non-resident owners shall name a local manager in the application.
 - 2. Fire and safety compliance: A true and complete copy of the current and valid certificate of compliance issued by the Town of Kirkwood Code Enforcement Officer.
 - 3. Parking: The number and location of off-street parking spaces shall be provided in the application. Off-street parking shall be provided to accommodate the occupancy of the structure, as required in the Town of Kirkwood Zoning Code. No vehicle parking shall be allowed on the lawn areas.
 - 4. Occupancy: The occupancy level will be indicated on the application. Occupancy is limited to no more than two persons per bedroom, unless further restricted by fire and safety codes. The Code Enforcement Officer may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms, and according to the provisions of state laws.
 - 5. Water and Septic: The source of the domestic water shall be stated on the application. If the applicant property is not connected to the municipal sewer system, the septic system must be functioning, and the type, size, and location of the septic system shall also be stated on the application. New permit applicants shall provide documentation from the Broome County Department of Health indicating that the septic system has been inspected and found to be compliant.
 - 6. Description: Either a floor plan or a brief description of each bedroom, including the dimensions of said rooms, occupancy of each room and the methods of ingress and egress (examples: doors and windows) shall be included with the application. The applicant shall submit a plat of the property showing approximate property boundaries and existing features, including buildings, structures, well and septic system (if not connected to municipal sewer and water), parking spaces, driveways, streets and neighboring buildings.

7. Garbage Removal: The applicant shall indicate the means by which garbage is removed from the property. If there is a dumpster located on the property, the location of the dumpster shall be depicted on the plat submitted with the application.
8. House rules: The applicant shall submit a copy of the house rules, including quiet hours, as set forth in Section 4.C below.
9. Maintenance: The applicant shall indicate the manner in which lawn maintenance, snow removal, and repairs to the dwelling unit shall be maintained during the permit period.
10. Jurisdiction: A non-resident property owner must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local Manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Broome County.
11. Insurance and Bed Tax: Applicant shall provide proof of insurance coverage and bed tax number.

D. Inspection. Each Short-Term Dwelling Unit shall be inspected by the Code Enforcement Officer prior to issuance of an initial Short-Term Rental Permit or renewal. Proof of successful inspection shall be included with the application form.

E. Permit Issuance. Upon the submission of a complete application, including successful inspection of the Short-Term Rental Property, the Code Enforcement Officer shall issue a Short-Term Rental Permit.

F. Initial Permit and Annual Renewal. The initial Short-Term Rental Permit shall be issued by the Code Enforcement Officer with a term expiring December 31. Thereafter, the applicant shall apply for and obtain an annual permit renewal with a term expiring each December 31. Annual permit renewal applications shall be submitted on a form provided by the Town and shall be accompanied by a non-refundable permit renewal fee, which shall be established by Resolution of the Town Board. Annual permit renewal applications shall include any proposed changes to the initial permit application and shall be subject to a re-inspection of the property by the Code Enforcement Officer. Unresolved complaints and outstanding violations may be grounds to deny issuance of a renewal of a Short-Term Rental Permit.

Section 4. Short-Term Rental Standards

Short-term rentals shall comply with the following standards and requirements:

- A. Each Short-Term Rental Property shall be in compliance with the New York State Uniform Fire Prevention and Building Code and the Town of Kirkwood Zoning Code.
- B. Copies of Short-Term Rental Permits must be displayed in the dwelling unit in a place where it is easily visible to the occupants and in a window where it is easily visible from the street.

- C. Short-term rental owners shall establish written rules and regulations for the short-term rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety and general welfare by promoting a clean, wholesome and attractive environment for the property owners, adjacent property owners and the neighborhood. The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request by the Code Enforcement Officer. The rules and regulations shall be enforced by the short-term rental owner. At a minimum, the rules and regulations shall ensure compliance with the noise standards set forth in Article V of the Town of Kirkwood Zoning Code.

Section 5. Complaints

- A. Complaints regarding the operation of a Short-Term Rental Property may be verbal or written and may be received by the Code Enforcement Officer.
- B. Upon receipt of a complaint, the Code Enforcement Officer shall investigate to determine the presence of a violation, and upon finding to his or her satisfaction that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the property owner and the local manager a notice detailing the alleged violation(s). Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
- C. Notices required by this section shall be issued by the Code Enforcement Officer either by personal service to the property owner or the local manager, or by certified mail to the address of the property owner or local manager as shown on the permit application.

Section 6. Enforcement and Penalties

- A. Compliance Orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in violation of this Local Law. If the condition or activity is not remedied after the issuance of a compliance order, then an appearance ticket may be issued as provided hereinafter.
- B. Appearance Tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law. Any person who violates any provision of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250. Each week's continued violation shall constitute a separate, additional violation.
- C. Civil Penalty. In addition to those penalties prescribed herein, any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in a civil action instituted in the name of the Town of Kirkwood.
- D. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Kirkwood, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate

any violation of, or to enforce, any provision of this Local Law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation of this Local Law. Any remedy or penalty specified in this section and/or any other remedy or penalty provided by law, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In addition to the above-provided remedies, the Town Board may also seek reimbursement to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to, reasonable attorney's fees.

Section 7. Remainder

Except as hereinabove amended, the remainder of the Town Code of the Town of Kirkwood shall remain in full force and effect.

Section 8. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 9. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.