LOCAL LAW NO. 7 - 2026

LOCAL LAW AMENDING THE DEWITT TOWN CODE CHAPTER 192, BEING LOCAL LAW NO. 6 OF 2008, AS HAS PREVIOUSLY BEEN AMENDED, TO ESTABLISH A NEW ARTICLE XXV OF THE DEWITT TOWN CODE ENTITLED "PROHIBITION OF SHORT-TERM RENTALS" PROHIBITING "SHORT-TERM RENTALS," AS DEFINED HEREIN, AS A PRINCIPAL AND ACCESSORY USE IN ALL ZONING DISTRICTS WITHIN THE TOWN OF DEWITT

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

Section 1: The Town of DeWitt Zoning Code, being Local Law No. 6 of 2008, as has previously been amended, is hereby further amended to establish a new Article XXV entitled "Prohibition of Short-Term Rentals," as follows:

Article XXV Prohibition of Short-Term Rentals

§192-157 Purpose.

The Town Board of the Town of DeWitt finds and determines that conditions arising from the Short-Term Rental of dwelling units and/or portions thereof within the Town adversely affect the public health, safety and welfare of current and future Town residents by creating conditions and external effects that ordinary owner-occupied dwelling units or long-term rentals, by and large, do not produce. Further, the existence of Short-Term Rentals creates a perpetual restriction in the local housing market, stifling long-term residential housing availability within the Town and preventing prospective home buyers and long-term renters from locating to residential dwelling units in the Town.

The transient nature of Short-Term Rentals contributes to excessive noise and other nuisance conditions relating to overcrowding, excessive garbage and litter, overparking and excessive vehicle traffic. Neighbors of dwelling units or portions thereof or accessory buildings used for Short-Term Rentals may face unfamiliar occupants, late arrivals and departures, persistent outdoor activity, amplified sound into the late night and early morning hours, and repeated disruptions which are fundamentally inconsistent with Town residents' reasonable expectation of quiet residential neighborhood enjoyment.

§192-158 Legislative intent.

This Local Law is intended to protect the health, safety and welfare of Town residents by prohibiting the Short-Term Rental use, as defined herein, within all permitted and preexisting nonconforming dwelling units and/or portions thereof in all zoning districts within the Town of DeWitt. The Town Board further intends for this Local Law to protect and preserve the reasonable expectation of Town residents for quiet residential neighborhood enjoyment by preventing to the greatest extent practicable the numerous nuisances caused by and associated with Short-Term Rentals.

§192-159 Definitions.

SHORT-TERM RENTAL(S)

A dwelling unit or rooming unit and/or any accessory outdoor areas, yards or structures that are rented, in whole or in part, to any person or entity for a period of twenty-nine (29) consecutive nights or less. "Short-Term Rental" includes an agreement, written or oral, granting such use or possession of a residence, in whole or part, to a person in exchange for monetary compensation or other valuable consideration. "Short-Term Rental" shall also include any offer to rent, personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally or in writing, or through other electronic means or otherwise, the availability for such rental or similar use of any dwelling unit or rooming unit and/or any accessory outdoor areas, yards or structures in whole or in part, or to knowingly allow, commission, authorize or permit such communication or advertisement. "Short-Term Rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right to occupancy in all or any portion of a dwelling unit or rooming unit and/or accessory outdoor areas or yards or accessory structures for 29 consecutive nights or less.

"Short-Term Rental" shall not include month-to-month tenancies in dwelling units, bed-and-breakfast establishments operated pursuant to §192-69 of the DeWitt Town Code, or commercial indoor lodging such as hotels and motels located in the appropriate non-residential zoning district(s).

§192-160 Prohibition of use.

A. Effective January 1, 2027, Short-Term Rentals are prohibited in all zoning districts within the Town of DeWitt.

B. Any Short-Term Rental which may exist upon this Local Law becoming effective may honor existing reservations/bookings until December 31, 2026. Upon expiration of this grace period and beginning on January 1, 2027, Short-Term Rental(s) shall be prohibited and subject to the penalties set forth herein for unlawful operation of a Short-Term Rental.

§192-161 Presumption of use.

The presence of the following shall create a presumption that a dwelling unit or room therein or accessory area or building or structure to the dwelling unit is being used as a Short-Term Rental: the dwelling unit or any room therein or accessory area or building or structure to the dwelling unit is offered for lease on any website, including but not limited to Airbnb, HomeAway, VRBO and other similar websites, for a period of 29 consecutive nights or less, or is offered for lease in any medium for a period of 29 consecutive nights or less.

§192-162 Penalties for offenses. For purposes of this Section, the following shall apply:

A. Any person, partnership, corporation, limited liability company, limited liability partnership or other entity who violates this Section shall be liable for a fine of at least $1,000.00 and not to exceed $2,500.00 for the first offense; a fine of at least $2,500.00 and not to exceed $5,000.00 for the second offense; a fine of at least $5,000.00 and not to exceed $7,500.00 for the third offense; and a fine of at least $7,500.00 and not to exceed $10,000.00 for the fourth and continuing offenses.

B. Each Short-Term Rental period offered or rented shall be considered a separate offense.

§192-163 Severability.

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

Section 2: This Local Law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.