

**Local Law Filing**

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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.

**Town of Colonie  
Local Law No \_\_\_ of the year 2015**

**A local law amending Chapter 190 of the Code of the Town of Colonie.**

**Be it enacted by the Town Board of the Town of Colonie of as follows:**

**SECTION 1. AMENDMENT.**

Chapter 190, section 190-6 of such Land Use Law is hereby amended as follows:

**EXTENDED STAY UNIT** - A hotel or motel unit with accommodations for sleeping which contains a kitchenette.

**HOTEL/MOTEL** - A commercial establishment in which lodging is regularly provided and offered to the public for compensation, which is customarily open to transient guests, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel/motel unit may not contain a kitchen. Outdoor athletic courts and facilities are permitted accessory uses.

**KITCHENETTE** - A space, less than fifty-nine square feet in floor area, used for cooking or warming of food and containing, at minimum, a refrigerator, a stove and/or cook top, and a sink.

**BOARDINGHOUSE** - An owner-occupied residential structure in which lodging is provided to more than three boarders, with shared kitchen and dining facilities.

**SECTION 2. AMENDMENT.**

Chapter 190, section 190-22 (M) (12) of such Land Use Law is hereby amended as follows:

(b) A planning special permit must be obtained for any application within the Route 5 Corridor Inventory Study Area to construct a new hotel/motel, bed and breakfast, inn, or boarding house; to make any addition or expansion to an existing hotel/motel, bed and breakfast, inn, or boarding house; to restore a damaged hotel/motel, bed and breakfast, inn, or boarding house; to renovate an existing hotel/motel, bed and breakfast, inn, or boarding house where the renovation will result in an increase in occupancy; or to make any alteration pursuant to the NYS Fire Prevention and Building Code to an existing hotel/motel, bed and breakfast, inn, or boarding house. A planning special permit is not required for ordinary repairs or cosmetic changes.

(d) Such applications for hotels/motels, bed and breakfasts, inns, or boarding houses that border on single-family residential areas shall also provide designs that protect the interests of

the single-family residential area and which are compatible with the single-family residential nature of the area.

(e) Such applications must also demonstrate the need and market demand for another hotel/motel, bed and breakfast, inn, or boarding house in the Route 5 Corridor Inventory Study Area, using objective economic data as the basis for the review.

### SECTION 3. AMENDMENT.

Chapter 119, Article I is hereby created as follows:

Article I Hotel/motel License  
(contains sections 119-1 to 119-21)

### SECTION 4. AMENDMENT.

Chapter 119, Article II is hereby created as follows:

Article II Occupancy

119-22. Purpose. It is the purpose of this article to promote the public health, safety and general welfare of guests of transient lodging providers located within the Town of Colonie, and to ensure the continued availability of safe, sanitary, and code-compliant transient lodging within the Town.

119-23. Occupancy Limits.

A. Occupancy of any hotel/motel, bed and breakfast, inn, or boarding house by any individual shall be limited to no more than 28 consecutive days unless such hotel/motel, bed and breakfast, inn, or boarding house has an attached restaurant; provided that such occupancy shall be allowed for more than 28 days within an extended stay unit (as defined in Section 190-6), which complies with all applicable New York State and Town codes.

B. Occupancy of any hotel/motel, bed and breakfast, inn, or boarding house by any individual shall be limited to no more than 60 days in any 180 day period, except that such occupancy shall be allowed within an extended stay unit.

C. Re-registering any guest or any person sharing or staying in the same room as a guest in the same or a different room in the same hotel/motel, bed and breakfast, inn, or boarding house or in a hotel/motel, bed and breakfast, inn, or boarding house owned and operated by the same entity or an entity with any of the same members having an interest of 5% or more shall be considered a single occupancy for the purpose of these time limits.

D. The occupancy limitations set forth in Section 119-23(A) shall not apply if an individual provides photo identification as required by Section 119-24 that shows that the individual has a permanent place of residence other than the hotel/motel, bed and breakfast, inn, or boarding house at which the individual is registering. The owner or operator of any hotel/motel, bed and breakfast, inn, or boarding house shall photocopy the identification required by Section 119-24 and shall keep such record for a minimum of one year. This record must be available for inspection by the members of the Town of Colonie Police Department and/or Building Department, or any of them or their designees, who shall have the authority to inspect the records from time to time, without prior notice.

E. No person or entity owning, leasing, operating or managing any hotel/motel, bed and breakfast, inn, or boarding house shall charge or accept money or other consideration by an hourly rate or any increment less than one full day's room rental.

F. In extraordinary circumstances, a person or entity owning, leasing, operating or managing any hotel/motel, bed and breakfast, inn, or boarding house, together with the occupant at issue, may apply to the Town Board in writing, by submitting a written request to the Town Clerk, for an extension of the 28 day limitation period upon a showing by clear and convincing proof that a time extension is required for humanitarian reasons. The application must show not only that an extraordinary circumstance exists by clear and convincing proof but also must show all steps that have been taken to find the occupant suitable permanent housing elsewhere.

119-24. Photo identification required. Every hotel/motel, bed and breakfast, inn, or boarding house must require all adult guests to produce government-issued photo identification at the front desk immediately upon arrival.

119-25. Age restriction. Any individual occupying any hotel/motel, bed and breakfast, inn, or boarding house for any length of time must be at least 18 years of age, unless accompanied by a parent or legal guardian. However, a hotel/motel, bed and breakfast, inn, or boarding board may rent, lease or sign a contract for the use of the unit, room, or suite to a person under the age of 18 if the individual is part of a school group, sports or extracurricular team, convention, corporate meeting, pageant or other similar major contracted booking at the hotel/motel, bed and breakfast, inn, or boarding house and a copy of the contract is on file at the establishment available for inspection by the members of the Town of Colonie Police Department and Building Department, or any of them or their designees.

119-26. Keeping and inspection of register. Every hotel/motel, bed and breakfast, inn, or boarding house shall keep for a period of one year a register which shall show the name, residence, date of arrival and departure of all persons provided with lodging at the premises. This register must be available for inspection by the members of the Town of Colonie Police Department and Building Department, or any of them or their designees, who shall have the authority to inspect the register from time to time, without prior notice.

119-27. Violations.

A. A violation of this article shall be punishable by a fine of not less than \$100 nor more than \$500, or 15 days in jail, or both, except that, where the owner, lessor, operator, or agent was found to have violated this article within the preceding five years, the fine may be not more than \$1,000. Each day that a violation continues shall be deemed a separate offense.

B. The Police Department and the Building Department are authorized to issue appearance tickets for any violation of this section, and shall be primarily responsible for the enforcement of these provisions.

119-28. Severability. If any clause, sentence, paragraph, section, article or part of this article shall be 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 operation to the

clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

~~SECTION 5. EXTRAORDINARY CIRCUMSTANCES.~~

~~In extraordinary circumstances, a person or entity owning, leasing, operating or managing any hotel/motel, bed and breakfast, inn, or boarding house, together with the occupant at issue, may apply to the Town Board in writing for an extension of the 28 day limitation period upon a showing by clear and convincing proof that a time extension is required for humanitarian reasons. The application must show not only that an extraordinary circumstance exists by clear and convincing proof but also must show all steps that have been taken to find the occupant suitable permanent housing elsewhere.~~

SECTION 6. AMENDMENT.

Chapter 190, section 190-20 (C) (3) of such Land Use Law is hereby created as follows:

(3) In the Route 5 Corridor Study Area (as defined in Section 190-22 [M] [12]), no portion of any building or structure occupied by a hotel/motel, bed and breakfast, inn, or boarding house shall be located within 500 feet of the zone boundary line of any Single Family Residence District or Multifamily Residence District.

SECTION 7. SEQR DETERMINATION.

The Town hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 8. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State. The provisions of this local law regarding occupancy limitations shall become enforceable six (6) months after the effective date.