

*Underlining is addition and [brackets] are deletions.*

## Chapter 129

### Hotels and Motels

#### § 129-1 Findings and determinations.

It is hereby the finding and determination of the Town Board that the occupancy of hotels and motels within the Town shall remain consistent with the Town's existing Zoning code, definitions, and site plan approvals for each such facility currently operating within the Town.

#### 129-2

Occupancy of any hotel, motel, or bed-and-breakfast, by any individual shall be limited to no more than 28 consecutive days unless such hotel, motel or bed-and-breakfast, has an attached restaurant, provided that such occupancy shall be allowed for more than 28 days within an extended stay unit, which complies with all applicable New York State and Town codes.

#### 129-3

Occupancy of any hotel, motel, or bed-and-breakfast 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.

#### 129-4

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, or bed-and-breakfast, or in a hotel, motel, or bed-and-breakfast, 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.

#### 129-5

The occupancy limitations set forth in this chapter shall not apply if an individual provides photo identification as required by §this chapter that shows that the individual has a permanent place of residence other than the hotel, motel, or bed-and-breakfast at which the individual is registering. The owner or operator of any hotel, motel, or bed-and-breakfast shall photocopy the identification required by this chapter and shall keep such record for a minimum of one year. This record must be available for inspection by the members of the Town Building & Development Department, Code Enforcement, or any of them or their designees, who shall have the authority to inspect the records from time to time, without prior notice.

#### 129-6

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

### 129-7

In extraordinary circumstances, a person or entity owning, leasing, operating or managing any hotel, motel, or bed-and-breakfast, 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 twenty-eight-day limitation period upon a showing by clear and convincing proof that a time extension is required for unforeseen 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.

129-8. Every Hotel, Motel, or bed-and breakfast shall require all adult guests to produce government-issued photo Identification at the front desk upon arrival.

### §129-9

#### Penalties for offenses.

##### A. Specific penalties.

(1) Any licensee or person acting on behalf of a licensee who violates any provision of this article shall, upon conviction thereof, be punished as follows:

(a) Upon a first conviction: by a civil penalty of not less than \$250 and not more than \$500.

(b) Upon a second conviction: by a civil penalty not less than \$500 and not more than \$1000.

(c) Upon a third or subsequent conviction: by a civil penalty not less than \$1000 and not more than \$1500.

(d) Notwithstanding a conviction for an offense against any provisions or sections hereof, a person, association or corporation convicted shall be subject to revocation of any license herein granted without reimbursement of fees paid therefor.

(e) Any penalties provided for in NYS Town Law § 135.

(2) A. The continuation of a violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violations may be punished as provided for above for each separate offense.

B. An action or proceeding in the name of the Town of Clifton Park may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the provisions of this article.

(3) A. This chapter shall be enforced by the Director of Building and Development, Building Inspectors and Code Enforcement Officers.

§ 208-7 Definitions and word usage.

A.

**EXTENDED STAY HOTEL**

A hotel or motel unit with accommodations for sleeping which contains a kitchenette.

**HOTEL**

[A building in which lodging is provided in guest units and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office, supervised by a person in charge at all hours. The guest unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly basis. The term "hotel" does not include boardinghouses.]

An establishment where overnight lodging is provided in guest units rented to the public on a daily or weekly basis and in which ingress and egress to and from all guest units are made through an enclosed corridor; does not include "boardinghouses" (cf 208-28)