

LOCAL LAW NUMBER #_ OF 2023

A LOCAL LAW ENTITLED SHORT-TERM PROPERTY RENTALS IN THE VILLAGE OF TRUMANSBURG, NEW YORK

The Board of Trustees of The Village of Trumansburg, New York, pursuant to a resolution dated _____, 2023, does hereby adopt and pass this Local Law Number #_ of 2023, and therefore, be it so enacted as follows:

Article 1: AUTHORITY AND PURPOSE - This Local Law is adopted pursuant to the authority granted by Village Law §§ 7-700 and 20-2000 and Municipal Home Rule Law § 10.

The Board of Trustees of the Village of Trumansburg does hereby establish rules and regulations for (i) the administration and enforcement of a rental permit requirement for all short-term rental units within the Village of Trumansburg; and (ii) the periodic registration of all short-term rental property owners; all to promote public health and safety respecting short-term rentals, and to maintain an accurate inventory of short-term rental housing.

Article 2: DEFINITIONS - As used in this article, the following terms shall have the meanings whenever the context or use of such terms so admits or requires:

SHORT-TERM RENTAL - Any dwelling unit or guest room occupied by persons other than the owner for which compensation is received by the owner in exchange for such occupancy for periods of fewer than 30 consecutive days, excluding bed and breakfasts, inns, hotels, and motels. Month-to-month tenancies are not considered STRs.

DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

GUEST ROOM - A room or rooms used or intended to be used by one or more guests for living or sleeping purposes.

OWNER - Any property owner or lessee who offers a short-term rental.

MANAGER - Any agent or lawfully appointed representative of a property owner in relation to any permit or short-term rental unit, including for purposes of notices and service of legal process.

ENFORCEMENT OFFICER - The code enforcement officer of the Village of Trumansburg and such other persons or agencies appointed by the village board to administer and enforce this Law.

Article 3: APPLICABILITY - All short-term rentals shall be required to obtain a short-term rental permit and have a valid permit at all times that any short-term rental is advertised or rented within the Village of Trumansburg. The requirements of this law apply to all land uses, whether or not specifically listed within the village zoning law.

Article 4: SUNSET - After three (3) years following the effective date of this law, no new permits shall be issued. Any previously issued permit shall remain valid until its expiration date.

Article 5: REGISTRATION AND PERMITTING - All owners must register and obtain a short-term rental permit from the village prior to using any land or building for short-term rentals. Short-term rental permits are valid only for the permittee listed thereupon, and permits shall not be transferred or assigned to any person or entity, or used by any other person other than the permittee to whom issued.

Article 6: REGULATIONS AND PERMIT APPLICATION AND ISSUANCE - The following rules and standards apply to all short-term rentals:

A. Any substandard condition, non-compliance, or violation (including of any building or fire codes) shall be corrected prior to the issuance of a permit.

B. Inspections of all short-term rental properties may be conducted on 10 days' notice to the owner or manager, or lesser notice in the event of a suspected or actual violation or act of non-compliance. Inspections shall occur in relation to any permit issuance. Any building or fire code violations shall be addressed as permitted or required under New York State laws and regulations.

C. Any permit may be suspended or revoked for any violation of or non-compliance with local laws, rules, and regulations or any applicable building or fire code. A suspended permit may be reinstated upon abatement of the violation and compliance with this law, but a revoked permit may not be reinstated and a new permit shall be required.

D. Permits may state special conditions, limitations, or be valid for only limited periods of time. Otherwise, an issued permit shall be valid for 2 years and shall automatically expire.

E. Registration and applications for short-term rental permits shall be upon forms approved by the enforcement officer, and such forms shall require, at a minimum, the following information:

1. The names, telephone numbers, email addresses, mailing and physical addresses of the owner, and any managers. If any of the same are non-natural persons, then state the same for each director, officer, manager, trustee, or other responsible party, together with the FEIN for such entity.

2. The physical address and the number of guest rooms of each short-term rental dwelling unit rented out as a unit.

3. The physical address and room designation or number of each short-term rental guest room rented out individually.

4. A general floor plan for each building showing the specific layout of any short-term rentals, the types and placement of any fire-protection systems located in each building, and the number and location of all fire, safety, and other exits.

5. Proof that the short-term rental property is properly registered with Tompkins County and that all sales and room occupancy taxes are paid to date.

6. Payment of a non-refundable permit fee in an amount set periodically from time-to-time by resolution of the village board.

7. A form of certification by the applicant that all information is accurate, complete, and does not omit any information or fail to disclose any condition or fact that would or could make the application incomplete or misleading.

F. All short-term rental properties shall conspicuously post 24-hour emergency contact information (police, ambulance, fire, poison control, etc.), the property's physical address, and general emergency contact information for the owner or manager within the short-term rental premises. Evacuation routes and procedures shall be posted in each guest room used for short-term rentals.

G. All short-term rental properties shall conspicuously post the following statement: "Welcome to Trumansburg! Please be a good neighbor and observe quiet time from 11 pm until 7 am (per the Village's Noise Law)."

Article 7: PERMIT DENIAL AND REVOCATION - Permits are a privilege, not a right, and can be denied or revoked. The enforcement officer may deny any application for a short-term rental permit and may suspend or revoke any permit for any of the following reasons or causes:

A. The application is incomplete, inaccurate, or misleading, or if the required fees have not been paid.

B. The short-term rental or the building in which it is contained fails at any time to comply with this law or applicable building and fire codes or fails any inspection conducted or verified by the enforcement officer.

Article 8: ADMINISTRATION AND ENFORCEMENT; VIOLATIONS

A. Any violation of or non-compliance with this chapter may be addressed by the enforcement officer through a notice of violation and order to remedy, a permit suspension, refusals to reinstate any suspended permit, or a permit revocation. Such determination shall be made at the discretion of the enforcement officer based upon the nature and frequency of any such violation and non-compliance, and whether there is any history of non-compliance or permit violations applicable to the permit or location in question.

B. All determinations and decisions respecting violations or non-compliance shall be placed in writing and filed in the office of the village clerk. Each such determination or decision shall be dated or date stamped to indicate the date of filing. If such determination requires notice to the owner, such shall be accomplished by promptly, and within 3 days of the date of filing, delivering the same to, or serving the same upon, the owner or manager. The enforcement officer may also post the notice upon the short-term rental property. No person shall remove such posting except upon the written consent or direction of the enforcement officer.

C. The owner or manager may contest and appeal any notice of, order pertaining to, or determination of a violation or of non-compliance with this law, including orders of suspension, or

revocation, but if and only if such appeal is filed in the office of the village clerk within 10 days of the date of delivery or service upon the owner or manager of the notice of violation or order to remedy. Filing an appeal shall not stay any violation or suspension notice, nor any criminal or judicial enforcement proceedings, but will stay any permit revocation notice or determination until the decision upon appeal is rendered by the zoning board of appeals.

D. Appeals shall contain the following information and shall follow the following procedures:

1. To be valid, an appeal must set forth the specific matters, determinations, or actions appealed from, and succinctly state each and every basis for the appeal. Any maps, permits, inspection reports, engineering or architectural drawings, or sealed/stamped drawings, and like documentary evidence or exhibits, shall be supplied at the time of the appeal, or promptly upon obtaining the same. In all cases, evidence and documents must be submitted before or at the hearing or they will not be considered.

2. To be valid, all appeals shall state the name and address of, and contact information for, the appealing party. The appealing party shall also provide a copy of each permit that is the subject of the appeal and the determination or written decision or order of the enforcement officer that is the subject of the appeal.

3. In accordance with the authority of the municipal home rule law and the provisions of New York village law, the Village of Trumansburg hereby delegates such authority to the Village of Trumansburg zoning board of appeals as is necessary to conduct, hear, and fully determine appeals arising under or in relation to this law. However, no legislative or enforcement authority is delegated to the zoning board of appeals, and this right of appeal shall not be considered a variance or zoning appeal, but a permit appeal under this law. Therefore, no automatic SEQRA classification implications arise, and all appeals must be classified and environmental reviews conducted if the same are Type I or Unlisted SEQRA actions.

4. All appeals shall be scheduled for a hearing before such board within 30 days of receipt of a completed filing requesting an appeal, and there is no fee for an appeal under this law. Notice of such hearing shall be provided to the appealing party and the manager and owner at least 5 days before the date of such hearing. The hearing herein referred to is not a public hearing and need not be noticed as such, but any interested person or entity may participate and submit testimony, evidence, or information pertaining to the permit and appeal in question. Witnesses may, but are not required to, be sequestered; and witnesses may, but are not required to be, sworn in.

5. A determination shall be made by the zoning board of appeals within 10 days of the close of the hearing. Once a hearing is closed, no further information, evidence, or documents may be submitted or considered unless the zoning board of appeals shall decide to re-open the hearing (and such shall not require a unanimous vote as this is not a zoning hearing).

6. The zoning board of appeals may affirm, affirm in part, reverse, or reverse in part, and may modify the order, requirement, decision, interpretation, or determination appealed from in such manner as it determined correctly interprets and applies this chapter. All

determinations upon appeals shall be promptly filed in the office of the village clerk and immediately thereafter delivered to or served upon the owner or manager.

7. The zoning board of appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed permit and violation as the board deems appropriate.

8. Any owner or manager aggrieved by the decision of the zoning board of appeals may pursue judicial review in accordance with civil practice law and rules Article 78, but only so long as they file such proceeding within 30 days of the date of filing of the determination upon the appeal in the village clerk's office.

E. Enforcement officers are authorized to issue appearance tickets for any violation of this chapter, and all provisions of New York State law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this chapter, though such offenses that are first violations shall be classified as violations, and such offenses that are classified as second violations shall be classified as unclassified misdemeanors. For purposes of this chapter, the Town of Ulysses' justice court is hereby vested and imbued with jurisdiction to issue administrative and other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York, as well as to hear and adjudicate allegations relating to the criminal violation of this chapter and thereafter, if appropriate, impose any fine, penalty, or sanction.

1. First violation. Any person or entity that violates or fails to comply with any of the provisions of this chapter shall be guilty of a criminal violation and subject to a fine of not more than \$500 nor less than \$200.

2. Second violation. Any violation that is found to have occurred within two years of any prior criminal determination of any other violation of this chapter shall be deemed a second violation. Any person or entity that commits any second violation shall be guilty of an unclassified misdemeanor and subject to a fine, not less than \$500 nor more than \$2,500, and a period of incarceration not to exceed 120 days.

3. Each week that any non-compliance or violation continues is and may be charged as a separate violation and, in addition to any other remedy, a finding of guilty, as respects the violation of, or noncompliance with, this chapter, may result in the termination, modification, or revocation of any permits or approvals.

4. Whenever the village shall believe from evidence satisfactory to it that there is a violation of this chapter, the village may bring an action to enjoin or restrain the continuation of such violation or to compel compliance, or to prevent, restrain, enjoin, correct, enforce, or abate any violation or non-compliance, including to enforce the determination or order of any enforcement officer. In any such proceeding, the court may also declare the rights and interests of any parties and determine, impose, enforce, or collect any criminal violation penalties. In the event, the village seeks equitable relief or injunctions, including under Article 63 of the New York Civil Practice Law and Rules, the village shall not be required to post any bond or undertaking, prove that there is or will likely be irreparable harm, or prove that the village has

no adequate remedy at law. Such action, and any other action or proceeding, may be instituted in the name of the village in any court of competent jurisdiction, but no such action or proceeding shall be commenced without the appropriate authorization from the village board.

5. The application or pursuit of any civil or criminal fine, sanction, or penalty shall not preclude the pursuit of any other lawful remedy by the Village, including, but not limited to, the right to seek equitable relief. The remedies provided by this chapter shall not be in lieu of, and shall be in addition to, any other right or remedy available to the Village, whether sounding in enforcement or otherwise. The assertion or assessment of any such remedy or penalty specified in this chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties, nor shall the same limit any right of the Village or its agents and officers to issue or enforce stop-work orders, or other orders or notices relating to this chapter or any procedures or penalties specified in §§ 381 and 382 of the New York State Executive Law.

Article 9: GENERAL PROVISIONS

A. The issuance of a short-term rental permit shall create no presumption that the short-term rental unit complies with the provisions of this article.

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

C. All nouns and pronouns shall be construed in the singular, plural, masculine, feminine, or other context when the provisions hereof so demand or admit. Words shall have their defined meanings whenever the use and context thereof so admit or require, and all words shall have standard meanings as applied within the context of the clause in which such terms appear. Subject headings are for convenience and shall not be construed or applied to limit or restrict the subject matter and terms appearing under such subject heading. Whenever any reference is made to any section of law or regulations, such reference shall be interpreted to include such law or regulation as later amended, renumbered, or re-codified, and a mere typographical citation error shall not be given effect.

D. The Village, and its officers and agents, shall not be liable or responsible for any injuries to persons or damages to property due to the Village's actions, or failures to act, under or pursuant to this chapter unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Village or its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law and does not create any theory or claim of liability where none exists at law or in equity.

E. This Local Law shall take effect immediately.