LOCAL LAW NO. 2 of 2024

A LOCAL LAW TO REPEAL AND REPLACE LOCAL LAW 1 OF 2023 REGULATING SHORT-TERM RENTALS IN THE TOWN OF LAKE LUZERNE

ARTICLE 1. BE IT ENACTED BY THE LAKE LUZERNE TOWN BOARD AS FOLLOWS:

Section 1. PURPOSE AND INTENT; AUTHORITY

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience 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. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This Local Law is adopted pursuant to New York Municipal Home Rule Law.

Section 2. DEFINITIONS

As used in this Local Law, the following words shall have the meanings indicated:

DWELLING UNIT — One or more rooms designed, occupied or intended for occupancy as separate living quarters, with provisions for living, cooking, sanitary and sleeping facilities provided for the exclusive use of one family or household.

RENTAL — Granting use or possession of a Dwelling Unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL (STR) — 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 thirty (30) consecutive days to any person or entity, but not including a Hotel, Motel, Inn, Campground or Bed and Breakfast.

SHORT-TERM RENTAL OWNER — All entities having an ownership interest in a Dwelling Unit which is used as a Short-Term Rental.

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 REQUIRED.

A. An owner of a Dwelling Unit shall obtain a revocable Short-Term Rental Permit whenever the Dwelling Unit is to be used as a Short-Term Rental. Only 120 Short Term Rental Permits will be issued within the Town..

B. A Short-Term Rental Permit shall be obtained prior to using the Dwelling Unit as a Short-Term Rental.

C. STR permits shall be valid for one year (1), starting on the date the permit was issued by the Zoning Enforcement Officer, or the STR Officer, and must be renewed annually for as long as the Dwelling Unit or portion thereof is used as a STR.

D. Short-Term Rental Permits are revocable, do not run with the land and are non-transferrable. If a Short-Term Rental is sold or otherwise transferred, the new owner must apply for and obtain a Short-Term Rental Permit in their name prior to any use of the Dwelling Unit as a Short-Term Rental by the new owner. Buyers under contract for the purchase of a Short-Term Rental Property may apply for a Short-Term Rental Permit as a prospective owner in the same manner as set forth herein, with issuance of the permit conditioned upon the Buyers' closing of title to the property.

E. Failure to abide by the rules established by the Town of Lake Luzerne for Short-Term Rentals may result in revocation of the Short-Term Rental Permit and/or additional penalties as set forth below.

Section 4. PERMIT APPLICATION REQUIREMENTS.

An application for a Short-Term Rental Permit or renewal shall be:

A. Made on a form provided by the Town Clerk or Zoning Enforcement Officer;

B. Submitted to the Zoning Enforcement Officer;

C. Signed by all persons that have an ownership interest in the proposed Short-Term Rental Property and/or all representatives of entities that have an ownership interest in the proposed Short-Term Rental Property;

D. Accompanied by:

(1) A non-refundable application fee in an amount of $200. This application fee applies to both initial applications and renewal applications.

(2) A copy of the vesting deed or other document showing how title to the proposed Short-Term Rental is held.

(3) Proof of a satisfactory inspection of the Short-Term Rental Property by the Warren County Department of Fire Prevention and Building Codes at the Owner's expense; and which proof sets forth the maximum overnight occupancy for the Short-Term Rental as determined by Warren County Department of Fire Prevention and Building Codes. This requirement will not be necessary for

renewal permits unless the application seeks to increase occupancy from the prior permit.

(4) Proof of a satisfactory septic inspection conducted at the owners expense by a NYSDEC licensed septage waste transporter conducted no more than one year prior to the initial application. Inspector must certify there is a treatment system, there is no discharge of effluent directly or indirectly to the ground's surface with surface breakouts, ponding, or saturated soil areas, there are no direct pipes visible discharging grey water, and there is no backup of sewage into the dwelling. This requirement will not be necessary for renewal permits unless the application seeks to increase occupancy from the prior permit.

(5) A site plan of the proposed Short-Term Rental Property (not required to be professionally drawn) showing all building locations and off-street parking area(s).

(6) A list of the rules and regulations for the proposed Short-Term Rental as required by Section 7 of this Local Law.

(7) A list of the proposed Short-Term Rental Owners including names, addresses, telephone numbers and e-mail addresses.

(8) Proof of Registration of the Short Term Rental with Warren County.

Section 5. APPLICATION PROCEDURE.

A. Upon the filing with the Zoning Enforcement Officer or the STR Officer, of a Permit Application, Permit Fee and all documents required by this Local Law the Zoning Enforcement Officer or the STR Officer shall have thirty (30) days to review the application and either issue the Permit, with or without conditions, or notify the applicant in writing that the application has been denied and state the reason or reasons for denial. All issued Permits shall bear the signature of the Zoning Enforcement Officer or the STR Officer.

B. The Zoning Enforcement Officer and STR Officer shall have full access to property during the permitting process for inspections. Failure on the part of the Property Owner to allow entrance onto the Property shall terminate the application process. This applies to the initial permitting process as well as during the renewal process.

C. In issuing a Short-Term Rental Permit, the Zoning Enforcement Officer or the STR Officer may impose reasonable conditions and restrictions which are directly related and incidental to the use of the Short-Term Rental so long as such conditions and restrictions are consistent with the requirements of this Local Law, Town Zoning Code and are imposed for the purposes of maintaining safety or minimizing any adverse impact the proposed Short-Term Rental may have on the community or neighborhood.

D. The Zoning Enforcement Officer or the STR Officer may deny a Permit Application for any of the following reasons:

(1) If the application form is incomplete or required documents are not provided.

(2) If the application fee is not provided.

(3) If a Short-Term Rental Permit for the property was revoked within the previous year.

(4) If a physical inspection of the proposed Short-Term Rental Property, reveals the Property is not in compliance with the requirements for Short-Term Rentals as described in the Short-Term Rental Standards listed in Section 7 of this Local Law.

(5) If there are any outstanding violations of the Town Zoning Code or the NYS Uniform Fire Prevention and Building Code for the Property.

(6) If there are any outstanding real property taxes associated with the Property.

(7) An appeal of a determination made by the Zoning Enforcement Officer/STR Officer pursuant to this Section shall be made to the Town Board within 30 days of the determination and must be made in writing to the Town Clerk. Such appeal shall be heard by the Town Board at a regularly scheduled meeting. During the time following submission of an appeal and prior to the decision of the Board, the determination of the Zoning Enforcement Officer or the STR Officer shall be in effect.

Section 6. CONTENTS OF SHORT-TERM RENTAL PERMIT.

Short-Term Rental Permits issued pursuant to this Local Law shall state the following:

A. The names, addresses, telephone numbers and e-mail addresses of every person or entity that has an ownership interest in the Short-Term Rental Property.

B. The name, address and telephone number of a local primary contact person who shall be available during the entire time that the Short-Term Rental is being rented. Contact person who is authorized by the owner to act on their behalf must respond in less than ½ hour.

C. The maximum occupancy requirements for the Short Term Rental as determined by the Warren County Department of Fire Prevention and Building Codes.

D. That the renters must observe quiet between the hours of 11:00 p.m. and 8:00 a.m. daily.

E. That the Short-Term Rental Permit may be revoked for violations of the provisions of this Local Law.

F. Any conditions imposed by the Zoning Enforcement Officer or the STR Officer.

G. That the Permit is valid for one year and will automatically expire on the one year anniversary of the issuance date.

Section 7. SHORT-TERM RENTAL STANDARDS.

Short-Term Rentals shall comply with the following standards and requirements:

A. Short-Term Rental Properties shall comply with all current Federal, State, County and Local Laws, codes, rules and regulations.

B. Rules and regulations put in place by the Short-Term Rental Owner shall be provided in writing to each renter and posted at all times when the Short-Term Rental is rented in a conspicuous location at the Short-Term Rental in plain view of the renters, and shall list the penalties for violation of such rules or regulations. The rules and regulations shall be enforced by the Short-Term Rental Owner and shall include a requirement that renters shall maintain quiet at the Short-Term Rental between the hours of 11:00 p.m. and 8:00 a.m.

C. The Short-Term Rental Permit shall be posted inside the Short-Term Rental within five feet (5') of the main entrance and remain so posted during any period that the Short-Term Rental is rented pursuant to the Permit.

D. Provisions shall be made by the Short-Term Rental Owner prior to actual rental for weekly garbage and recycling removal during rental periods. Garbage and recycling containers shall comply with the Town Garbage Ordinance. Said containers shall not be placed out for pickup more than 24 hours before pickup, and must be removed less than 24 hours after pickup.

E. A house number visible from the street or road shall be maintained.

F. Upon request, the Short-Term Rental Owner shall provide each property owner within a 150' radius of the boundaries of the Short-Term Rental Property with a copy of the current Short-Term Rental Permit.

G. The Short-Term Rental Owner must ensure that current and accurate information is provided to the Zoning Enforcement Officer or the STR Officer and must immediately notify the Zoning Enforcement Officer or the STR Officer of any changes from the information originally supplied at the time of application. If, based on the information changed, the Zoning Enforcement Officer or the STR Officer issues an amended Permit, the amended Permit must be immediately posted in the Short-Term Rental in place of the original Permit.

H. Compliance with State and Local Swimming Pool rules, regulations, and ordinances must be maintained. A guest registry must be kept. No fireworks or firework displays other than New York State compliant fireworks. No campers, no RV's, no tents, no out buildings used for housing.

Section 8. ENFORCEMENT AND PENALTIES.

A. A Short-Term Rental Permit, may be revoked, suspended or reasonably conditioned according to the following:

(1) For a first or second violation of this Local Law or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Enforcement Officer or the STR Officer shall issue a written Notice of Violation to the Short-Term Rental Property Owner mailed to the addresses set forth on the Short-Term Rental Permit by First-Class Mail. The Notice of Violation shall specify the violation, what actions must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If a property owner fails to remedy the violation within the timeframe specified, the Zoning Enforcement Officer or the STR Officer may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.

(2) For a third or any subsequent violation of this Local Law or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Enforcement Officer or the STR Officer shall issue a written Notice of Violation and may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit. The Notice of Violation and any determination of the Zoning Enforcement Officer or the STR Officer to revoke, suspend or condition an existing Short-Term Rental Permit shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by First-Class Mail.

(3) The Zoning Enforcement Officer or the STR Officer may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Local Law or the terms of a Short-Term Rental Permit which poses a threat to the health, safety or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Zoning Enforcement Officer or the STR Officer shall notify the Short-Term Rental Property Owners by phone and in writing to the addresses set forth on the Short-Term Rental Permit by First-Class Mail.

(4) Short-Term Rental Property Owners may appeal a determination of the Zoning Enforcement Officer or the STR Officer to suspend, revoke or condition a Short-Term Rental Permit no later than thirty (30) days after the mailing of notice of the determination. The appeal must be made in writing to the Town Clerk and such appeal shall be heard by the Town Board at a regularly scheduled meeting. During the time following submission of an appeal and prior to the decision of the Board, the determination of the Zoning Enforcement Officer or the STR Officer shall be in effect. At the hearing the Board shall accept evidence offered by the Short-Term Rental Owner, any complaining parties, the Zoning Enforcement Officer, the STR Officer, and any other witness with relevant evidence. The Board shall make its determination within thirty-one (31) days after the hearing, and may uphold, reverse or modify the

Zoning Enforcement Officer's or STR Officer's determination. The Town Board's determination shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by First-Class Mail.

B. The Town, through its Zoning Enforcement Officer, STR Officer, and/or authorized assistants or deputies may seek a remedy for any violation of this Local Law through prosecution either as a criminal or civil action and shall have the authority to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with a violation of this Local Law.

C. Penalties. Any Property Owner who shall violate any provision of this Local Law, any order made hereunder, or any rules or regulations adopted pursuant to this Local Law in addition to other penalties provided for in this Local Law shall be guilty of an offense punishable in the following manner:

(1) A fine of $200 for the first offense;

(2) A fine of $500 for a second offense; and

(3) A fine of $950 for a third or any subsequent offense.

(4) A fine of $1500 if a Short-Term Rental does not apply for this permit.

D. A civil action or proceeding in the name of the Town of Lake Luzerne, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law or any rule or regulation adopted pursuant to hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.

E. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, or in any other applicable law. Any remedy or penalty specified in this Local 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 Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Zoning Enforcement Officer or the STR Officer determines that a violation has occurred.

F. Each week a violation continues beyond the deadline for compliance as stated in the Notice of Violation shall constitute a separate and distinct offense to which all penalties shall apply.

ARTICLE 2. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 3. SUPERSESSION

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law, specifically Local Law 1 of 2023, are hereby repealed.

ARTICLE 4. EFFECTIVE DATE

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