NEW YORK STATE DEPARTMENT OF STATE
162 Washington Ave
Albany, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

FILED
STATE RECORDS
MAY 24 2018
DEPARTMENT OF STATE

~~"County~~
~~"City~~
"Town of Starkey
~~"Village~~

Local Law No. 2 of the year 2018

A local law to Amend the Town of Starkey Zoning Ordinance adopting Regulations Pertaining to Short-Term Rentals .

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~"County~~
~~"City~~
"Town of Starkey as follows:
~~"Village~~

Section 1. "The Town of Starkey Zoning Ordinance is hereby amended with the insertion of a new Article 12 to read as follows:

Section 2.20 of The Town of Starkey Zoning Ordinance is hereby amended by renumbering definitions 88 through 101 to be 89 through 102 and inserting a new definition 88, "Short-Term Rental", to read as follows: SHORT-TERM RENTAL – A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights and is not regulated by any other section of the Code of the Town of Starkey. "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be considered a rental under this section.

SCHEDULE I Permitted Principal Uses and Special Uses

The Schedule I (Zoning Schedule of Use Controls) applicable to the A-1 Agricultural District, the R-1 Low Density Residential District, the R-2 Medium Density Residential, the R-R Resort residential District, and the L-C 1 Land Conservation District each contained at the end of the Town of Starkey Zoning Ordinance, are each amended by

adding "short-term rental in compliance with section 4.10 " under the Permitted Principal Uses heading in each Schedule I.

The Schedule I (Zoning Schedule of Use Controls) applicable to the, L-C 2 Land Conservation District and C-1 Commercial District, each contained at the end of the Town of Starkey Zoning Ordinance, are each amended by adding "short-term rental in compliance with section 4.10 " under the Special Uses heading in each Schedule I and on any private road.

ARTICLE 12

REGULATIONS GOVERNING SHORT TERM RENTALS

12.10 PERMIT REQUIRED

An owner shall obtain a short-term rental permit whenever a dwelling is to be used for short-term rental purposes.

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental more than two times per year.
2. A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
3. The short-term rental permit is transferable to a new owner, so long as the owner registers with the Town, updates the short-term rental permit application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
4. If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner subject to the penalties set forth below.
5. Short-term rentals on properties only accessible by private road must also apply for a Special Use Permit and all lot owners on said private road must be notified.

12.20 SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS

An application for (or renewal of) a short-term rental permit shall be submitted to the Code Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a permit fee, to be determined by the Town Board, shall be completed on the form provided by the town, and shall contain the following information:

1. A list of all property owners.
2. Completion of an affidavit certifying that the homeowner complies with the following:
   a. Number of sleeping rooms within the short-term rental as defined in section 12.30.
   b. Number of parking spaces on the property that meet the standards set forth in section 12.30.
3. Affidavit certifications shall be valid during the term of the short-term rental permit.
4. A site plan, drawn to scale showing locations of buildings, required parking area and, if not served by public sewer, location of septic system and leach field. An accurate suitable plan need not be prepared by a professional.
5. If the short-term rental property is served by a private septic system, the system shall be subject to a complete inspection including the tank and distribution box. Receipt of inspection shall be required prior to issuance of permit. Septic pumping will be required upon renewal of a short-term rental permit and a receipt shall be presented with the renewal application (a subsequent septic inspection is not required at time of renewal).
6. The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner, or an agent designated by the owner to serve as a contact person.

7. A statement that the applicant has met and will continue to comply with the standards of these regulations and the short-term rental permit.

12.30 SHORT-TERM RENTAL STANDARDS

1. The maximum number of people allowed for each short-term rental unit shall be based on the number of people calculated on the basis of 2 persons per sleeping room (sleeping rooms less than 100 square feet shall be based on 1 person per room), plus an additional 2 persons. Sleeping rooms are defined per New York State Building Code.
2. The property must have sufficient, designated, off street parking allowing for a 9' x 18' space per vehicle, per international code.
    a. Designated parking areas shall not be located on top of any part of the septic system and shall be clearly marked.
    b. One parking space per sleeping room plus one parking space shall be the minimum required.
3. A house number visible from the street or road shall be maintained.
4. All rubbish shall be disposed of in a proper and timely manner.
5. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

12.40 PROCEDURE UPON FILING APPLICATION

1. Upon the filing with the Code Enforcement Officer of the permit application, permit fee, and all documents and information required by this Chapter, the Code Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Code Enforcement Officer.
2. In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, The CEO may request permission to conduct an inspection of the property to ensure compliance of this section.
3. The Code Enforcement Officer may decline the application for any of the following reasons.
    a. If the application is incomplete, or inaccurate, or the documentation required by this Ordinance was not included with the application, or the full permit fee, in a payment form acceptable to the Town Clerk, was not included with the application.
    b. If the Town of Starkey issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application, and any such owners had a short-term rental permit revoked within the previous twelve months.
    c. If the affidavit from the owners or, if conducted, an inspection conducted by the Code Enforcement Officer as authorized in this section does not evidence that the subject property is in compliance with this ordinance.
    d. If the site plan required to be submitted with the application does not comport with this ordinance.
    e. If the private septic inspection report (or pumping report/receipt for renewals) is required to be submitted with the application and if such report does not comport with the requirements of this Ordinance.

12.50 SHORT-TERM RENTAL PERMIT REQUIREMENTS

Short-term rental permits issued pursuant to this section shall state the following:

1. The names, addresses, phone numbers and email addresses of every person or entity that has an ownership interest in the short-term rental property, and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
2. The maximum occupancy and vehicle limits for the short-term rental unit;
3. Identification of the number and location of parking spaces available;
4. A statement that littering is illegal;
5. A statement that all fires must be attended;
6. Quiet hours for all zones shall be from 10:00pm to 7:00am. A statement as such shall be posted within the property;
7. A statement that the short-term rental permit may be revoked for violations; and
8. That the permit shall expire on December 31 of the third year that it is effective.

12.60 CONFORMITY AND DISPLAY OF PERMIT

1. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
2. Prior to any tenants coming onto the short-term rental property:
   a. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
   b. A copy of the current short-term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property); and
   c. A statement of compliance with this provision, stating the owners served and their addresses and the method of service (e.g. mail, personal delivery), shall be provided to the Code Enforcement Officer.
3. The owners must ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately upon any information contained in the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed at the property in question. A copy must be provided to all adjacent properties, and an affidavit as such provided to the Code Enforcement Officer as provided in Section 12.60 (2-b) of this Ordinance.

12.70 COMPLIANCE, HEARINGS AND PENALTIES

Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Starkey, Yates County, New York State, the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this section. The following process shall be followed in the event of a complaint alleging a violation of these regulations, or with the permit for the property.

1. The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.
2. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement regarding if the complainant attempted to contact the contact person listed on the permit.
3. If the Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstance.
   a. Give warning as to violation conditions.
   b. Attach reasonable conditions to the existing short-term rental permit.

c. Suspend the short-term rental permit.
d. Revoke the short-term rental permit.

4. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
5. The Town may initiate enforcement proceedings pursuant to this Ordinance at any time following the receipt of a complaint.
6. Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant to a hearing held at a regularly scheduled Town Board Meeting. The appealing owner or complainant shall make a written request for a hearing to the Town Clerk, and the hearing shall be scheduled for a regular Town Board Meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing the Town Board shall accept evidence offered by the property owner, the complaining party, the Code Enforcement Officer, and any other witness with relevant evidence. The Town Board shall make its decision within 10 days of the hearing, and may uphold the Code Enforcement Officer's decision, reject it, or modify it.
7. Any property owner found in violation of the provisions of this ordinance may be required to reimburse the town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

Section 2: If any clause, sentence, paragraph, section or part of this local law 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 or part of this local law directly involved in the controversy in which such judgment shall have been ordered.

Section 3: Existing short-term rental owners shall have until December 31, 2018 to apply for a permit.

Section 4: This local law shall take effect immediately upon filing with the Secretary of State.

1.Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law **No. 2 of 2018** of the **Town of Starkey** was duly passed by the **Town Board on May 10 , 2018**, in accordance with the applicable *provisions of law.*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law. ___ of ___ of the (County) (Town)(Village) of _____ was duly passed by the _____

_____

(Name of Legislative Body) on _____ 20_____ , and was (approved)(not approved)

(repassed after disapproval) by the _____ and was deemed duly adopted

_____ _____ *(Elective Chief Executive Officer*)*

on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a.(mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No.____of 20 _____ of the (County)(City)(Town)(Village) of _____was duly passed by the_____ on 20____, and was (approved)(not approved)*(Name of Legislative Body)*
(repassed after disapproval) by the_____ on _____20_____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20_____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5.(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ _____ 20 , became operative.

6.(County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of State of New York, having been submitted to the electors at the General Election of November _____ 20_____ , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.) I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Sue A. Crosby

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: May 15, 2018

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

_____

Signature

_____

Title

County of Yates

Town of Starkey

Date: _____