

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.

- County
- City
- Town of SOUTHOLD
- Village

FILED
STATE RECORDS
SEP 03 2015

Local Law No. 7 of the year 2015 DEPARTMENT OF STATE

A Local Law entitled, A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Transient Rental Properties

Be it enacted the Town Board of the:

- County
- City
- Town of SOUTHOLD
- Village

I. Purpose.

The Town Board of the Town of Southold has determined that with the advent of internet based "For Rent by Owner" services, there has been a dramatic increase in residential homes being rented for short periods of time. The Town Board finds that such transient rentals threaten the residential character and quality of life of neighborhoods in which they occur. Additionally, the Town Board has determined that a short-term rental, as being potentially more lucrative, will necessarily decrease the inventory of available long-term affordable rentals. Therefore, the Town Board in order to protect the health, safety and welfare of the community requires the regulation of these transient rental properties.

II. Chapter 280 of the Code of the Town of Southold is hereby amended as follows:

§280-4. Definitions.

TRANSIENT RENTAL PROPERTY

A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or a family member of the owner, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation for a period of less than fourteen (14) nights. For the purposes of this Chapter, the term Transient Rental Property shall mean all non-owner occupied, single-family residences, two-family residences, and townhouses rented for a period of less than fourteen (14) nights and shall not include:

1. Any legally operating commercial hotel/motel business or bed and breakfast establishment operating

(If additional space is needed, attach pages the same size as this sheet, and number each.)

exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

2. A dwelling unit located on Fishers Island, due to the unique characteristics of the Island, including the lack of formal lodging for visitors.

The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

1. The dwelling unit is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO and the like; or
2. The dwelling unit is offered for lease in any medium for a period of less than fourteen (14) nights.

The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer for the Town of Southold that the dwelling unit is not a transient rental property.

§280-111. Prohibited uses in all districts.

- A. Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution or by reason of the deposit, discharge or dispersal of liquid or solid wastes in any form in such manner or amount as to cause permanent damage to the soil and streams or to adversely affect the surrounding area or by reason of the creation of noise, vibration, electromagnetic or other disturbance or by reason of illumination by artificial light or light reflection beyond the limits of the lot on or from which such light or light reflection emanates; or which involves any dangerous fire, explosive, radioactive or other hazard; or which causes injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or general welfare, except where such activity is licensed or regulated by other governmental agencies.
- B. Artificial lighting facilities of any kind which create glare beyond lot lines.
- C. Uses involving primary production of the following products from raw materials: charcoal and fuel briquettes; chemicals; aniline dyes; carbide; caustic soda; cellulose; chlorine; carbon black and bone black; creosote; hydrogen and oxygen; industrial alcohol; nitrates of an explosive nature; potash; plastic materials and synthetic resins; pyroxylin; rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; gelatin, glue and size (animal); linoleum and oil cloth; matches; paint, varnishes and turpentine; rubber (natural or synthetic); soaps, including fat rendering; starch.
- D. The following processes:
 - (1) Nitrating of cotton or of other materials.
 - (2) Milling or processing of flour.
 - (3) Magnesium foundry.
 - (4) Reduction, refining, smelting and alloying metal or metal ores.
 - (5) Refining secondary aluminum.
 - (6) Refining petroleum products, such as gasolines, kerosene, naphtha and lubricating oil.
 - (7) Distillation of wood or bones.
 - (8) Reduction and processing of wood pulp and fiber, including paper mill operations.

- E. Operations involving stockyards, slaughterhouses and slag piles.
- F. Storage of explosives.
- G. Quarries.
- H. Storage of petroleum products. Notwithstanding any other provisions of this chapter, storage facilities with a total combined capacity of more than 20,000 gallons, including all tanks, pipelines, buildings, structures and accessory equipment designed, used or intended to be used for the storage of gasoline, fuel oil, kerosene, asphalt or other petroleum products, shall not be located within 1,000 feet of tidal waters or tidal wetlands.
- I. Encumbrances to public roads.
 - (1) No person shall intentionally discharge or cause to be discharged any water of any kind onto a public highway, roadway, right-of-way or sidewalk causing a public nuisance, hazardous condition, or resulting in flooding or pooling in or around the public area, including neighboring properties.
 - (2) No person shall place or cause to be placed obstructions of any kind, except the lawful parking of registered vehicles, upon a public highway, roadway, right-of-way or sidewalk that unreasonably interferes with the public's use of the public highway, roadway, right-of-way or sidewalk.
- J. Transient Rental Properties:

§280-155. Penalties for offenses.

- A. For each offense against any of the provisions of this chapter or any regulations made pursuant thereto or for failure to comply with a written notice or order of any Building Inspector within the time fixed for compliance therewith, the owner, occupant, builder, architect, contractor, or their agents, or any other person who commits, takes part or assists in the commission of any such offense or any person, including an owner, contractor, agent or other person who fails to comply with a written order or notice of any Building Inspector or Zoning Inspector shall, upon a first conviction thereof, be guilty of a violation, punishable by a fine not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both. Each day on which such violation shall occur shall constitute a separate, additional offense. For a second and subsequent conviction within 18 months thereafter, such person shall be guilty of a violation punishable by a fine not exceeding \$10,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.
- B. Notwithstanding the foregoing, any violation of §§280-13A(6), 280-13B(13), 280-13D, and 280-111(j) are hereby declared to be offenses punishable by a fine not less than \$1,500 nor more than \$8,000 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for convictions of a second or subsequent offense within 18 months, a fine not less than \$3,000 nor more than \$15,000 or imprisonment not to exceed a period of six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply. Each day's continued violations shall constitute a separate additional violation. Additionally, in lieu of imposing the fine authorized in this section, in accordance with Penal Law §80.05(5), the court may sentence the defendant(s) to pay an amount, fixed by the court, not exceeding double the amount of the rent collected over the term of the occupancy.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect sixty (60) days after its filing with the Secretary of State as provided by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 20 15 of the ~~(County)~~(City)(Town) ~~(Village)~~ of SOUTHOLD was duly passed by the TOWN BOARD on August 25, 20 15, in accordance with the applicable provisions of law.

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

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)(re-passed after disapproval) by the _____ and was deemed duly adopted 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)(repassed after disapproval) by the _____ on _____ 20 _____. 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) (repassed after disapproval) by the _____ on _____ 20 _____. Such local 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)



Clerk of the County legislative body. City. Town or Village Clerk or officer designated by local legislative body

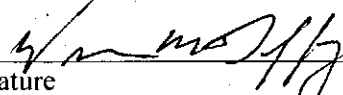
Elizabeth A. Neville, Town Clerk

Date: August 28, 2015

(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 SUFFOLK

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

William Duffy, Town Attorney

Stephen F. Kiely, Assistant Town Attorney

Title

County

City

Town of SOUTHOLD

Village

Date: August 28, 2015



RESOLUTION 2015-740

Item # 5.4

ADOPTED

DOC ID: 11101

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2015-740 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOOLD TOWN BOARD ON AUGUST 25, 2015:

RESOLVED that there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 14th day of July, 2015, a Local Law entitled “A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Transient Rental Properties.” And be it further

RESOLVED that the Town Board of the Town of Southold held a public hearing on the aforesaid Local Law at which time all interested persons were given an opportunity to be heard, now therefor be it

RESOLVED that the Town Board of the Town of Southold hereby ENACTS the proposed Local Law entitled, “A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Transient Rental Properties” reads as follows:

LOCAL LAW NO. 7 2015

A Local Law entitled, “A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with Transient Rental Properties”.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

I. Purpose.

The Town Board of the Town of Southold has determined that with the advent of internet based “For Rent by Owner” services, there has been a dramatic increase in residential homes being rented for short periods of time. The Town Board finds that such transient rentals threaten the residential character and quality of life of neighborhoods in which they occur. Additionally, the Town Board has determined that a short-term rental, as being potentially more lucrative, will necessarily decrease the inventory of available long-term affordable rentals. Therefore, the Town Board in order to protect the health, safety and welfare of the community requires the regulation of these transient rental properties.

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- E. Operations involving stockyards, slaughterhouses and slag piles.
- F. Storage of explosives.
- G. Quarries.
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