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LAURIE C. DUDLEY
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TOWN COUNCIL
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TOWN OF NORTH ELBA

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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

March 17, 2020

VIA UPS NEXT DAY DELIVERY

NYS Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

Re: Town of North Elba Local Law No. 1 of 2020
Short Term Rental Law

Dear Friends:

Enclosed for filing please find the Town of North Elba's Local Law No. 1 of 2020, certified by the Town Clerk.

Please return a filing receipt to me using the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Very truly yours,

Town of North Elba

By:
Ronald J. Briggs
Attorney

RJB:mbm
Encs.
cc: Ms. Laurie Curtis Dudley, Town Clerk (w/enc.)

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** ☐ **Village**
(Select one:)

of North Elba

Local Law No. 1 **of the year 20**20

A local law to amend the Village of Lake Placid/Town of North Elba Land Use Code to regulate short-term rentals in the Village of Lake Placid.
(Insert Title)

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of North Elba **as follows:**

See attached local law attached as Schedule A.

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

(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. 1 of 2020 of the (County)(City)(Town)(Village) of North Elba was duly passed by the Town Board on March 10, 2020, in accordance with the applicable
(Name of Legislative Body)
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 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 _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith 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 1 above.

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

(Seal)

Date: March 17, 2020

A Local Law **"Amending the Village of Lake Placid/Town of North Elba Land Use Code to Add Regulations Pertaining to Short-Term Rentals**

Be it enacted by the Village Board of the Village of Lake Placid and the Town Board of the Town of North Elba as follows:

Part 1

Section 2 of the Village of Lake Placid/Town of North Elba Land Use Code is hereby amended by deleting Rooming House/Boarding House as a Conditional Use in all districts except for the Village Center District (VC), the Gateway Corridor District (GC) and the Old Military Road Corridor District (OM).

Section 9.4 A. Amendment of the Village of Lake Placid/Town of North Elba Land Use Code is hereby amended by replacing the final sentence of subdivision A with the following: No amendment to the provisions of this Code which apply jointly to both the Village of Lake Placid and the Town of North Elba shall be effective until it has been enacted by both the Village Board and the Town Board. Amendments to provisions of this Code which apply solely to the Village of Lake Placid may be made independently by the Village Board and those provisions which apply solely to the Town of North Elba may be made independently by the Town Board

Section 10.2 DEFINITIONS of the Village of Lake Placid/Town of North Elba Land Use Code is hereby amended by revising the definition of Rooming/Boarding House and with the insertion of new definitions for "Short-Term Rental", "Full Bathroom", "Half-Bath" and "Occupant" to read as follows:

Rooming/Boarding House: An owner-occupied building in which rooms are offered for rent on a transient basis, and which may or may not involve the offering of meals.

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 includes any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, or accessory dwelling which is rented as a living quarters with kitchen for any period less than 30 consecutive nights. This definition expressly includes Rooming/Boarding house as that term is defined in Section 10.2 of the Village of Lake Placid/Town of North Elba Land Use Code. This definition excludes timeshare, hotels, bed and breakfast establishments and school or non-profit dormitories. "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 to be a rental under this section.

Full Bathroom: A full bathroom shall mean a room in a home for personal hygiene activities containing a toilet, a sink and a shower or bathtub.

SCHEDULE A

Half-Bath: A half bathroom shall mean a room in a dwelling for personal hygiene activities containing only a toilet and a sink.

Occupant: Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m. The maximum number of occupants on the property between said hours shall be as noted in Section 11.2 C. The maximum number of daytime guests between 6:00 a.m. and 10:00 p.m. shall be limited to no more than twice the nightly occupants.

Part 2

The Village of Lake Placid/Town of North Elba Land Use Code is hereby amended with the insertion of a new Section 11 for "Short-Term Rental" to read as follows:

Section 11 Short-Term Rental Registration Required

11.1 Purpose

A. The purpose of this local law is to amend the Village of Lake Placid/Town of North Elba Land Use Code to regulate the short-term rental of dwelling units within the Village of Lake Placid and Town of North Elba and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of short-term rental properties. The Village of Lake Placid and Town of North Elba also recognize that the historical nature of the community has been that of a small, residential resort community of owner-occupied dwellings and that extensive short-term rentals endanger the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Village of Lake Placid and Town of North Elba, this local law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.

B. This section shall apply to all properties in all districts within the Village of Lake Placid and Town of North Elba excluding the area of the Town of North Elba located within the Village of Saranac Lake.

C. The Village of Lake Placid and the Town of North Elba reserve the right to adopt regulations to carry out the provisions and purposes of this section by resolution.

11.2 Short-Term Rental Regulations

A. Permit required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit 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. No property may be used as a short-term rental without a short-term rental permit.

(2) No short-term rental property may be rented for greater than ninety (90) days in any given calendar year.

(3) A short-term rental permit shall be valid for two years from the date of issue, shall expire on the second anniversary date of the date the permit is issued, and must be renewed upon expiration as long as the unit is used as a short-term rental. The renewal application shall be the same as the initial application. At the expiration of one year during each two year permit term, the owner shall file a sworn certification with the Enforcement Officer that the permitted dwelling unit remains in full compliance with this law. Said owner shall also pay the annual permit fee at said time.

(4) The short-term rental permit is not transferable to a new owner of the short-term rental property.

(5) There shall be only one short-term rental permit issued per property. Thus if a property has more than one dwelling unit the permit issued shall be limited for one dwelling unit only.

(6) If the terms of the short-term rental permit are not followed, or these regulations or those subsequently adopted are not followed, the short-term rental permit may be revoked and the owner shall be subject to the penalties provided in Section 9 of the Village of Lake Placid/Town of North Elba Land Use Code, as well as the penalties set forth below.

(7) No permit shall be issued, nor re-issued, unless and until: (i) the property complies with the Village of Lake Placid/Town of North Elba Land Use Code, expressly including the terms of this section, the New York State Building Code and any other municipal code which may be applicable to the property and its use for short-term rental; and (ii) the Enforcement Officer receives the septic system inspection report provided by subdivision (B)(4) of this section, if applicable.

(8) Occupancy Tax Registration. No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office.

(9) No Permit Fee. Any owner occupied short-term rental property which is rented for fourteen (14) days or less in any calendar year shall be exempt from paying the permit fee required by 11.2 (B) but shall nonetheless require a permit.

SCHEDULE A

B. Short-Term Rental Permit Application Requirements. An application for, or renewal of, a short-term rental permit shall be submitted to the Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of the annual permit fee, in an amount to be set by resolution of the Village Board and the Town Board, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on the form provided and established by the Enforcement Officer, and shall, at a minimum, provide the following information:

(1) A list of all of the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses. If owned by a limited liability company, a corporation or other entity the names, addresses, telephone numbers and email addresses of the members, shareholders, officers and principals of such entities.

(2) Completion of a signed and notarized affidavit by the property owner(s) certifying the following:

(a) Compliance with the following standards:

(1) There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.

(2) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

(3) Electrical systems shall be serviceable with no visual defects or unsafe conditions.

(4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.

(5) Each bedroom shall be in compliance with the New York State Building Code.

(b) A statement of the number of bedrooms within the short-term rental property that meet the standards set forth herein.

(c) A statement of the number of parking spaces on the property that meet the standards set forth herein.

(d) Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the Enforcement Officer has reason to believe another inspection is warranted. By applying for a short-term rental permit, the owner(s) consent(s) to the Enforcement Officer entering the subject property to conduct such an inspection. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted. This is in addition to the new certification required by Section 11.2 A (2) above.

(e) The form of the affidavit certification shall be established by the Enforcement Officer.

(3) A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field may be required at the discretion of the Enforcement Officer.

(4) If the property is served by a private septic system, a septic inspection report issued and dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A written certification by a qualified septic system inspector indicating the system was inspected within a two year period prior to the application for a permit and is in good working order may satisfy this condition. The maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area. A system failure will require a new passing inspection report. The Enforcement Officer may allow, in his sole and absolute discretion, occupancy in excess of these regulations and standards if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further, periodic inspection by the Enforcement Officer or designee. The Enforcement Officer may also exempt a property which is otherwise subject to an existing local law governing the use, operation and maintenance of septic systems.

(5) 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 name, address, telephone number and email address of the owner who shall also serve as a secondary contact person. The contact person may be the owner or an agent designated by the owner to serve as a contact person. This contact person must be located within sixty (60) minutes distance by car and must be available 24 hours per day, 7 days a week.

(6) The property must have sufficient off-street parking spaces in accordance with Section 11.4 hereinafter set forth.

(7) Tenants and guests shall park in the off-street parking spaces required by Section 11.4 of this section and shall not park on any part of the lawn of the property nor on the public or private street.

(8) A house number visible from the street or road shall be maintained.

(9) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pick-up time.

(10) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

(11) Each bedroom shall be at least 70 square feet in size.

(12) There shall be no campers located on the short-term rental property nor shall there be any overnight camping in tents or otherwise used in conjunction with short-term rentals to provide additional sleeping areas.

(13) Weddings, corporate events, commercial functions, and any other similar type of outdoor events must end by 10:00 p.m. All such events are subject to applicable noise restrictions under the Village of Lake Placid/Town of North Elba Land Use Code or under any other local law or ordinance.

(14) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

C. Short-Term Rental Standards. All short-term rentals shall meet the following occupancy standards:

(a) The maximum occupancy for each short-term rental unit shall be the most restrictive of the following:

(b) Maximum occupancy shall be calculated as 2 times the number of bedrooms that are in compliance with the New York State Building Code plus 2 additional occupants.

Examples:

2 Bedroom unit = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.

4 Bedroom unit = 8 occupants for 4 bedrooms + 2 additional = 10 maximum

6 Bedroom unit = 12 occupants for 6 bedrooms + 2 additional = 14 maximum, OR

(c) Maximum occupancy for studio apartment shall be 2 occupants for the first 220 sq. ft. with 1 additional occupant for each additional 100 sq. ft. of living space.

Example:

550 sq. ft. studio = 2 for first 220 sq. ft. + 3 for 330 remaining sq ft. = 5 maximum, OR

(d) Maximum capacity of the septic system for properties serviced by a septic system.

D. Procedure upon filing application.

(1) Upon the filing with the Enforcement Officer of the permit application, permit fee, and all documents and information required by this section, the 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 Enforcement Officer.

(2) In reviewing the application, if the Enforcement Officer shall have the right to inspect the short-term rental property for purposes of ensuring compliance with this section. If an inspection authorized herein is conducted, the Enforcement Officer shall use the results of such inspection in determining whether to issue the permit, with or without conditions, or to not issue the permit.

(3) In issuing a short-term rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of The Village of Lake Placid/Town of North Elba Land Use Code, including this section, and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community.

(4) The Enforcement Officer may decline an application for any of the following reasons:

(a) If the application is incomplete, the documentation required by this section or regulations adopted by the Village of Lake Placid and/or Town of North Elba was not included with the application or the full permit fee, in an acceptable form of payment, was not included with the application.

(b) If the Enforcement Officer previously issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.

(c) If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this section evidences that the subject property is not in compliance with this section or the Village of Lake Placid/Town of North Elba Land Use Code.

(d) If the site plan required to be submitted with the application does not comport with the requirements of this section.

(e) If a private septic inspection report is required to be submitted with the application and if such report does not comport with the requirements of this section or with the Village of Lake Placid/Town of North Elba Land Use Code.

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

(a) The names, addresses and phone numbers 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 to respond to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented;

(b) The maximum occupancy and vehicle limits for the short-term rental unit;

(c) Identification of the number of and location of parking spaces available;

(d) A statement that littering is illegal;

(e) A statement that all fires must be attended; Any outdoor fire located within the limits of the Village of Lake Placid must be extinguished no later than 10:00 p.m.

(f) A statement that renters must comply with and be provided with a copy of the noise ordinance of the Village of Lake Placid (Chapter 200 of the Lake Placid Code) and the Town of North Elba (Local Law No. 4 of the Year 1999), or any successor noise ordinance, which set strict limits on noise levels between 9:00 p.m. and 7:00 a.m., which ordinances will be enforced by the Enforcement Officer, Essex County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the short-term rental property or incident;

(g) A statement that the short-term rental permit may be revoked for violations;

(h) Any conditions imposed by the Enforcement Officer; and

(i) That the permit shall expire on the day before the second anniversary of the date the permit was issued.

E. Display of Permit and Notification.

(1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.

(2) Prior to any renters taking occupancy of the short-term rental property:

(a) The current short-term rental permit shall be online; and

(b) A hard copy of the current short-term rental permit shall be available for public inspection in the Codes office.

(c) A hard copy of the short-term rental permit shall be prominently displayed near the front entrance of the short-term rental unit. The

Enforcement Officer may also require that other information must be on prominent display in the short-term rental unit.

(3) The owners must ensure that current and accurate information is provided to the Enforcement Officer and that they notify the Enforcement Officer immediately upon any information contained on the permit changing. If, based on such changes, the Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental unit with the amended permit.

(4) The Enforcement Officer shall provide a packet of information with the issuance of each permit summarizing the restrictions, guidelines and requirements applicable to short-term rental use. The owner(s) shall provide a copy of the information packet to the renter(s) of the short-term rental property which includes "Good Neighbor Guidelines".

F. Compliance, Hearings and Penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Village of Lake Placid, Town of North Elba, Essex County, New York State and the United States of America, and shall be subject to the enforcement and penalty provisions contained in the Village of Lake Placid/Town of North Elba Land Use Code and any other state or local law.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

(1) The complaining party may contact the contact person designated on the permit, a law enforcement agency, the Code Enforcement Officer or any other person or entity which could assist in resolving the complaint, and describe the problem from which the complaint arises and indicate the desired remedy.

(2) The contact person shall, within sixty minutes of receiving the complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property. The Fire Department Dispatch will have the names and contact information for each contact person to provide to a complaining party.

(3) 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 Enforcement Officer by submitting a written complaint. The form of the complaint shall be established by the Enforcement Officer and may be filed in person, by mail, by email or online. The complaint shall provide pertinent information including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact

person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.

(4) If the Enforcement Officer finds a violation of the permit or of this section, the Enforcement Officer may do any of the following depending on the circumstances:

(a) Attach reasonable conditions to the existing short-term rental permit;
(b) Suspend the short-term rental permit;
(c) Revoke the short-term rental permit; or
(d) issue a violation or warning.

(5) 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.

(6) The Village of Lake Placid or the Town of North Elba may also initiate enforcement proceedings under the Village of Lake Placid/Town of North Elba Land Use Code at any time following receipt of a complaint.

(7) Decisions of the 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 in accordance with Section 11.3.

(8) Any property owner found in willful violation of the provisions of this local law shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

(9) The Enforcement Officer or his designee shall have the right to inspect the short-term rental property to ensure it complies with the provisions of this section at any reasonable time of day upon giving reasonable notice to the owner or occupant of said unit.

11.3. APPEALS PROCESS APPLICABLE TO SECTION 11

11.3.1 STR APPEALS BOARD

A. The STR Appeals Board shall be appointed by Joint Resolution of the Lake Placid Village Board and the North Elba Town Board to carry out the duties hereinafter prescribed.

B. The STR Appeals Board shall consist of five members, including the Chairman. The STR Appeals Board shall consist of a minimum of one member who resides

within the corporate limits of the Village of Lake Placid, and a minimum of one member who resides within the Town of North Elba outside the corporate limits of the Village of Lake Placid.

C. The STR Appeals Board members first appointed shall serve staggered terms in the same manner as provided in Section 9.2 C. The successors to the original appointees shall be appointed for terms of five years, after the expiration of the respective terms of the members first appointed.

D. Appeals arising under Section 11 shall be governed by Section 11.3 and not Section 8.3. Decisions and determinations made by the Enforcement Officer under Section 11 shall be made in writing and provided to the owner and complainant, if any. Said decision/determination may appealed to the STR Appeals Board within thirty (30) days of receipt of the decision. The decision/determination appealed from shall not be stayed unless the STR Appeals Board agrees to grant appellant a stay upon his/her/its application for such stay. The STR Appeals Board shall have all the powers and duties prescribed by this Code and may reverse, affirm, or modify wholly or partly any order, requirement, decision or determination as in its opinion ought to be made.

11.3.2 STR APPEALS BOARD GENERAL PROCEDUIRES

A. The general procedures for the STR Appeals Board shall be the same as the general procedures for the Review Board and the Board of Appeals set forth in Section 9.3.1 of this Code.

B. An owner, complainant or other party who wishes to appeal the decision or determination made by the Enforcement Officer shall make a written request for a hearing to the Town Clerk, and the STR Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing the tribunal shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Appeals Board shall make its decision within 10 days of the hearing.

11.4 Required Off-Street Parking.

A. Required off-street automobile parking spaces for short-term rentals shall be equal to the maximum number of motor vehicles permitted by the following subdivision B with the exception of Main Street from the U.S. Post Office to One Main Street. Parking spaces within a home garage shall not be counted as parking spaces unless the garage is actually used for and available for parking and each space meets the standards below in subdivision C.

B. The maximum number of motor vehicles for a short-term rental unit shall be one (1) vehicle per bedroom.

C. A parking space shall have a minimum of 180 square feet in a rectangular configuration of 9 feet by 20 feet.

11.5 Penalties for Offenses

A. Any person, association, firm, company or corporation which violates any provision of this section or assists in the violation of any provision of this section shall be guilty of a violation punishable:

(1) By a fine or penalty of not less than $350.00 and not exceeding $1,000.00 for a first offense or, if greater, the maximum amount allowed under the Municipal Home Rule Law, the Town Law or the Village Law.

(2) By a fine or penalty of not less than $1,000.00 and not exceeding $3,000.00 for a second offense both of which were committed within a period of five (5) years or, if greater, the maximum amount allowed under the Municipal Home Rule Law, the Town Law or the Village Law.

(3) Each week's continued violation constitutes a separate additional violation.

B. In the event the Town of North Elba or the Village of Lake Placid seeks injunctive relief or some other form of relief from a Court to enforce the provisions of this section then in such event the defendant/respondent shall pay the legal fees and expenses incurred by the Town or Village in such court proceeding.

11.6 Miscellaneous.

A. All short-term rental properties must have a meter for water and sewer service provided by the Village of Lake Placid.

B. 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 thereof directly involved in the controversy in which such judgment shall have been ordered.

C. Other than the safety regulations provided herein and in the New York State Building Code, the short-term rental standards set forth in Section 11.2 A (2) shall not be applicable to: (i) hosted short-term rental units which are those in which the host is a resident and an owner who lives at the property for at least 184 days per calendar year and is home overnight during the term of each rental, (ii) condominium projects and town house projects which have an active homeowners' association, (iii) and rental units on Main Street and Sentinel Road in the Village Center District (VC) and Wilmington Road, Cascade Road and Saranac Avenue in the Gateway Corridor District (GC), which rental units shall also be exempt from Section 11.2 A (5) .

D. The short-term rental agreement, whether written or oral, must contain a provision whereby the owner or owner's representative shall terminate the rental in the event the short-term rental permit is suspended or revoked at lease one full week prior to the commencement of the rental term.

This local law shall take effect immediately upon filing with the Secretary of State. Enforcement of this local law shall be deferred for a period of ninety (90) days from its effective date to allow time for the Enforcement Officer to process the applications for short-term rental permits.