

(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.

Village of Baxter Estates

Bill No. 2 of 2023

Local Law No. of the year

(Insert Title)

A local law amending Chapter 175, “Zoning” of the Code of the Village of Baxter Estates, to add a new Article XII, “Permitted Durations of Residential Rentals,” and amend Section 175-96, “Penalties for Offenses,” of Chapter 175, “Zoning”

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

~~Town~~ of Baxter Estates
Village

Section 1. Legislative findings. The Board of Trustees of the Village of Baxter Estates has determined that it is in the best interests of the Village and its residents to restrict short-term rental of homes within the Village by requiring that the term of any rental shall be for not less than 180 consecutive days, and that the Village Clerk be notified by each owner whenever a rental is contemplated. The Board finds that, in order to protect the health, safety and welfare of the Village and its residents, it is necessary to restrict the rental of homes for terms shorter than 180 consecutive days, a practice which is growing in popularity, with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals of single family homes. The Board notes that the Village is zoned primarily for single family home use. The Board

finds a reasonable likelihood of material disruption and adverse impact to the residents if homes, including residential apartments, in the Village are allowed to be occupied by persons who are neither owners nor occupants for a duration sufficient to support an incentive to maintain the home in a manner consistent with community standards for single family homes occupied for longer durations, and to conduct themselves during their occupancy in a manner that respects neighbors and the community as would persons with longer standing relationships to their neighbors. The Board believes that the restrictions imposed hereby further those objectives and the protection of the health, safety and welfare of the Village and its residents.

Section 2. Chapter 175, “Zoning,” of the Code of the Village of Baxter Estates, is hereby amended by adding thereto a new Article XIII, at the end of Article XII thereof (“Amendments”), to be entitled “Permitted Durations of Residential Rentals,” which shall read in its entirety as follows:

“ Article XIII Permitted Durations of Residential Rentals

§ 175-100. Rentals.

- A. Renting, leasing or subletting of any dwelling, including without limitation any single-family home or any residential apartment or other residential unit in any two-family, three-family or other multi-residential building by any owner, tenant or occupant of such dwelling to another person or persons, or entity for 180 consecutive days or more while the owner does not occupy the dwelling is a permitted use. No person shall rent, lease or sublet any such dwelling for a term less than 180 consecutive days.
- B. Any rental, lease or sublease permitted under the preceding clause shall be subject to the provisions of Chapter 146, “Rental Dwelling Units,” of this Code.
- C. If this section causes a significant hardship to any property owner, then the owner may make written application to the Board of Trustees requesting an exemption from the provisions of this section. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees that significant hardship to the applicant results from the application of the provisions of this section to the applicant, and that,

under all relevant circumstances, such exemption is not likely to adversely impact the health, safety or welfare of the Village or its residents. In rendering its decision on any application for an exemption, the Board of Trustees will consider whether the applicant has previously requested exemptions, because the frequency of exemptions granted may impact the health, safety or welfare of the Village or its residents.

- D. Notwithstanding any contrary provision contained in Section 175-96 of this Chapter, each and every violation of, or failure to comply with, any provision of this Section 175-100 shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine not more than seven thousand five hundred dollars (\$7,500), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than seven thousand five hundred dollars (\$7,500), nor more than fifteen thousand dollars (\$15,000), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment; and, for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than fifteen thousand dollars (\$15,000), nor more than thirty thousand dollars (\$30,000), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation hereunder. For each and every violation hereunder, the owner of a building or premises where any such violation has been committed, or shall exist, and each of the lessee or tenant of an entire building or entire premises where any such violation has been committed or shall exist, and each of the owner, lessee or tenant of any part of a building or premises in which part any such violation has been committed or shall exist, and each other person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be liable hereunder with respect to such violation."

Section 3. Section 175-96, "Penalties for Offenses," of Chapter 175, "Zoning," of the Code of the Village of Baxter Estates is hereby amended to read in its entirety as follows:

"B. Except with respect to any provision of this Chapter that expressly establishes a different fine and penalty for the violation thereof, each and every violation of, or failure to comply with, any provision of this Chapter

shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine not more than one thousand dollars (\$1,000), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment; and, for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation hereunder. For each and every violation hereunder, each of the owner, general agent or contractor of a building or premises where any such violation has been committed, or shall exist, and each of the lessee or tenant of an entire building or entire premises where any such violation has been committed or shall exist, and each of the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part any such violation has been committed or shall exist, and each of the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be liable hereunder with respect to such violation."

Section 4. Effective Date. This local law shall take effect immediately.

(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. ___ of 20___ of the Village of Baxter Estates was duly passed by the Board of Trustees on _____, 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 ___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____, 20____, and was (approved)(not approved) (re-passed after disapproval) by the _____ and was deemed duly (Elective Chief Executive Officer¹) 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 _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved) (re-passed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer¹) 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 _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (re-passed after disapproval) by the _____ (Elective Chief Executive Officer¹) 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.

1 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 Incorporated Village of Baxter Estates
Meghan Kelly, Village Clerk-Treasurer

Date: _____

(Seal)