

LOCAL LAW FILING

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Division of Corporations, State Records and Uniform Commercial Code
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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 South Bristol
Village

Local Law No. ____ of the year **2023**.

A Local Law Amending the Zoning Law of the Town of South Bristol, Ontario County, New York State to Repeal Regulations dealing with Short-Term Rentals and Adopting a New Short-Term Rental Law as a Separate Chapter of the Code of the Town of South Bristol

(Insert Title)

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

County
City
Town of South Bristol as follows:
Village

Section 1: Section 170-71 (Short-term rentals) of the Zoning Law of the Town of South Bristol, Ontario County, New York State, is hereby repealed in its entirety.

Section 2: The Code of the Town of South Bristol is hereby amended with the adoption of a new Chapter 141 to read as follows:

Chapter 141

Short-Term Rentals

§141-1. Legislative intent.

The purpose of this chapter is to control and regulate the use of property for short-term rentals within the Town. The provisions of this chapter are intended to mitigate the adverse effects and impacts of short-term rentals and to preserve and protect the health, character,

safety and general welfare of the rural character of the Town of South Bristol, the peaceful, quiet enjoyment of residential neighborhoods by permanent residents of the Town where such neighborhoods exist, a permanent and long-term rental housing stock in the Town, the beauty and water quality of Canandaigua Lake and its watershed, and promote safe rental housing in the Town.

§141-2. Authority.

This chapter is adopted pursuant to:

A. Section 10 of the New York State Municipal Home Rule Law, which empowers the Town of South Bristol Town Board to adopt laws relating to the government, protection, order, conduct, safety, health and well-being of person or property within the Town, and outside any village, to include the power to adopt local laws providing for the regulation or licensing of occupations or businesses which such power includes the power to adopt a local law regulating the use of buildings for short-term rentals; and

B. Section 130 of New York State Town Law and, specifically, the police powers set forth therein in paragraph 3-a (to adopt housing code regulations), paragraph 11 (to adopt regulations preserving the peace, good order and safety), paragraph 15 (to adopt regulations promoting the public health, safety, morals and general welfare, including the protection and preservation of the property of the town and of its inhabitants) and paragraph 19 (to adopt regulations prohibiting trespass and preserving peace and good order).

§141-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADJACENT PROPERTY

A. Other than as defined in paragraph (2) of this definition, this shall mean a property, parcel, lot or unit situated near or next to, adjoining, contiguous or abutting the subject property, whether on the same side of the road, across the road or behind the subject property; and

B. When the subject property is a condominium unit that is a portion of a building containing condominium units on multiple floors with multiple condominium units on each floor, this shall mean any condominium unit on the same floor as the subject property and also any condominium unit adjoining directly above and below the subject property.

DWELLING UNIT

A building or portion thereof providing housekeeping facilities for a single family.

OWNER

Person(s) and/or entity(ies) that hold(s) legal title to the short-term rental property.

SHORT-TERM RENTAL

A. A dwelling unit or part thereof rented for compensation for lodging by individuals for a period of less than 30 days.

B. For the purpose of this chapter, the term "short-term rental" shall not include a bed-and-breakfast, boarding/lodging house, hotel or motel.

C. Presumption of dwelling unit as short-term rental property.

1. The presence of the following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:

a. All or a part of the dwelling unit is offered for lease on a short-term rental website, including, but not limited to, Airbnb, HomeAway, VRBO and the like, for a period of less than 30 days; and/or

b. All or a part of the dwelling unit is offered for lease in any medium for a period of less than 30 days; and/or

c. Evidence that all or part of any property in the Town is in fact being offered for lease or occupied by non-owners for compensation for less than 30 days.

2. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the dwelling unit is not a short-term rental.

D. Ongoing month-to-month tenancies are not short-term rentals.

§141-4. Required Short-Term Rental Permit.

A. An owner shall obtain a revocable short-term rental permit prior to any dwelling unit being used for short-term rental purposes. It shall be unlawful for any Owner of property in the Town of South Bristol to rent or offer to rent a dwelling unit for less than 30 days without a valid short-term rental permit issued by the Town of South Bristol.

B. Permits issued for short-term rentals shall be limited to a maximum of 110 within the Town. For purposes of this chapter, a suspended short-term rental permit shall still be considered issued but a revoked short-term rental permit or an expired short-term rental permit shall not be considered issued. In the event the issued permits total 110, the Town will maintain a waiting list on a first come-first served basis for those desiring a permit.

C. A short-term rental permit shall be valid for two years and must be renewed upon expiration as long as the unit is used as a short-term rental.

D. The short-term rental permit is not transferable to a new owner. Any new owner of property subject to a short-term rental permit who intends to rent on a short-term basis must file a new application in accordance with the terms of this chapter as if such property is not subject to a short-term rental permit.

E. No dwelling unit that was constructed as a single-family dwelling, two-family dwelling, multiple-family dwelling, dwelling with a business, or dwelling above a first-floor business, after the enactment of this chapter shall be eligible to apply for a short-term rental permit for two years after the issuance of the certificate of occupancy.

F. Notwithstanding the foregoing, those owners with short-term rental permits on the date this chapter takes effect shall be permitted to honor existing commitments and continue to make commitments for short-term rentals but must apply for renewal within 30 days of the expiration of their permit effective date, for all future short-term rental commitments. In the event such application is denied, all commitments must be canceled.

G. The issuance of a short-term rental permit to an owner hereunder is a privilege, not a right, and any permit issued is subject to revocation, suspension, or additional conditions during the two (2) year term.

§141-5. Short-term Rental Permit Application Requirements.

A. Applications for a short-term rental permit may be obtained on the town website under Town Government / Code Enforcement or at the Town of South Bristol Code Enforcement office. A completed application for a short-term rental permit or the renewal of a short-term rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee as established by resolution the Town Board. Such fee may be modified from time to time by resolution of the Town Board. An application shall contain at least the following:

1. The signatures of all owners of the subject property, including any and all partners, members, shareholders, etc. of the ownership entity.

2. A copy of the current vesting deed showing how title to the subject property is currently held.

3. Written consent for the Code Enforcement Officer to enter the subject property and the short-term rental for purposes of conducting all inspections called for in this Chapter as part of the review of a short-term rental application, as part of ensuring compliance with the regulations, requirements and standards of this Chapter and as part of the investigation of a complaint alleging a violation of this Chapter or of a permit issued pursuant to this Chapter.

4. An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this chapter, including, but not limited to, the demonstration of adequate off-road parking spaces for the dwelling unit with proposed short-term rental.

5. A list of all the existing 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, partnership, or other entity the names, addresses, telephone numbers and email addresses of the members, shareholders, officers, partners, and principals of such entities. If a manager or representative signs the application on behalf of such an entity, they shall provide written proof of their authority to act on behalf of the entity.

6. The name, address, telephone number and email address of any manager or management agency managing the property, as well as a contact person who shall be available immediately by phone 24 hours a day, 7 days a week, 365 days per year, and who shall be responsible and authorized to act on the owners' behalf to promptly remedy any violation of the standards outlined in this chapter or any emergency. The contact person may be an owner or an agent designated by the owner(s) to serve as the contact person, but shall respond when contacted within 15 to 30 minutes and shall be at the rental unit within sixty minutes at the request of tenants, the owner(s), the owners or occupants of an adjacent property, the Code Enforcement Officer or any other law enforcement officer, if needed.

7. An accurate, suitable floor plan of each floor of the rental unit measuring at least 8.5 inches by 11 inches, drawn to scale, and certified by the applicant. The floor plan need not be prepared by a professional but must include the following:

- a. The location of buildings and required parking.
- b. Basement: to include house utilities, all rooms including bedrooms, windows and exits.
- c. First floor: all rooms with exits, windows, bedrooms and any heating/cooling units.
- d. Second floor: all rooms including exits, windows, bedrooms and any heating/cooling units.
- e. Attic, if any: with all rooms including exits, windows, bedrooms and any heating/cooling units.
- f. Each floor plan shall depict the evacuation plan for that floor.

8. A statement that none of the owners of the subject property has had a short-term rental permit revoked within the previous year.

9. A list of each advertising website that is or will be used by the Owner, along with all identifiers.

B. All completed applications are subject to a floor plan review and approval by the Code Enforcement Officer. Upon approval of the application, the Code Enforcement Officer shall grant a short-term rental permit.

§141-6. Short-term Rental Standards.

All short-term rentals shall meet the following standards:

A. Property requirements.

1. All short-term rental units located within a structure shall comply with current New York State Building Codes.

2. Smoke and carbon monoxide detectors. There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.

3. Emergency evacuation procedures. Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

4. ABC fire extinguishers:

a. There shall be an ABC fire extinguisher on each floor and in the kitchen.

b. Fire extinguishers shall be inspected on a yearly basis by the permit holders.

5. The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway. In the event the rental property is accessed via a shared or common driveway, the owner shall post signage directing tenants to the property.

6. Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.

7. Electrical systems shall be inspected by a third-party electrical inspector to ensure no defects or unsafe conditions exist and the owner(s) shall provide proof of that inspection prior to issuance of any short-term rental permit and renewal thereof.

8. All fireplaces shall comply with all applicable laws and regulations. Applicant shall provide proof that the chimney has been cleaned within the calendar year of the application and within the calendar year of any application for renewal.

9. The property containing the proposed short-term rental must have a minimum of one off-road parking space for every bedroom shown on the floor plan included with the application.

10. The maximum residential occupancy for each short-term rental unit shall not exceed two people per bedroom shown on the floor plan included with the application.

11. In the event that the property is served by an on-site wastewater treatment system, an inspection report issued by a certified septic inspector within 90 days of the application is required. An Owner, contact person, or manager shall be present for the inspection. The report shall state that the tank has been pumped at the time of inspection. The report shall also state the size of the tank(s), the size of the leach or absorption field or area, and the location and condition of all septic system components. All plumbing in the rental unit must be routed to the system. The report must state the on-site wastewater treatment system was adequately functioning at the time of the inspection. The maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed based on the size of the septic tank and leach or absorption area, as set forth in the regulations of the N.Y.S. Department of Health, Appendix 75-A 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 system failure during the term of a short-term rental permit shall be grounds for an immediate suspension. A new passing inspection report must be provided to lift the suspension and re-instate the short-term rental permit. A short-term rental permit may be conditioned on certain actions and safeguards by the owner during the two-year period of the short-term rental permit, such as periodic pumping of the septic tank or periodic inspections, if an inspection report states such actions are indicated or the Code Enforcement Officer receives or has received compelling evidence of issues with the existing system in the past, pre-dating the application. Parking on any portion of the leach or absorption area shall be prohibited. Notice of that parking prohibition and the location of the leach or absorption area shall be provided to tenants.

12. The rental unit shall be accessible by emergency medical and fire vehicles and fire equipment at all times during the term of the short-term rental permit.

13. If the rental unit is accessed by a shared or common driveway by way of an easement of record or other right of way, there shall be proof of an existing driveway agreement providing for clear maintenance and snowplowing obligations as between the short-term rental owner(s) and the neighbors sharing the driveway, in writing.

14. The Owner will provide a report indicating that the water service for the rental unit is potable and safe for drinking.

15. Any hot tub or spa shall be equipped with a lockable cover.

16. Any swimming pool on the premises shall be equipped with a pool alarm.

B. Insurance and registration standards: All applicants and permit holders must provide a current, in-force certificate of insurance for coverages appropriate for operating a short-term rental, including a commercial general liability or homeowners' policy with an additional short-term rental endorsement or rider. Such insurance must be in force throughout the term of the short-term rental permit.

C. 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.

D. Rental contract. All applicants and permit holders must have a rental contract, which includes the following policies/statements:

1. Maximum Property Occupancy. The same number of short-term rental tenants who may occupy the premises for residential purposes as specified on the permit shall also be specified in the contract.
2. Maximum on-site parking provided.
3. Good neighbor statement stating:
 - a. That the short-term rental is in a residential area in the Town of South Bristol and that tenants shall be courteous and respectful of the property and privacy rights of the residents of neighboring houses and properties;
 - b. A statement that tenants and guests must comply with the Noise Law of the Town of South Bristol as set forth in Chapter 113 of the Code of the Town of South Bristol;
 - c. All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - d. A statement that littering is illegal;
 - e. A statement that all fires must be attended;
 - f. A statement that there shall be no use of, or trespass upon, lands of neighboring houses or properties for any purpose at any time;
 - g. That the use of fireworks and firecrackers of any kind are prohibited on the rental unit property; and
 - h. That no recreational vehicles, travel trailers, tents, or other temporary shelters shall be used in conjunction with a short-term rental unit to house guests, tenants, or other individuals on the premises.

§141-7. Procedure upon filing application.

A. Short-term rental permit applications shall be filed with the Town of South Bristol Code Enforcement Officer with all supporting documentations and the nonrefundable permit fee. Only completed applications will be accepted by the Town's Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:

1. Application and documentation required by this chapter was not included or the full permit fee was not paid.

2. If the Town of South Bristol 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.

B. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this chapter and the application fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection and floor and evacuation plan review to certify and approve that all short-term rental requirements have been met.

C. Upon completion of the inspection, floor plan, and evacuation plan review, the Town of South Bristol Code Enforcement Officer will approve, with or without conditions, or disapprove the short-term rental permit. The Code Enforcement Officer may, in their discretion, refer the application for review by a 3-person panel (made up of one member of the Town Board, one member of the Planning Board, and one resident of the Town of South Bristol appointed by the Town Supervisor), which will make the final determination on the application. In issuing a short-term rental permit, the Code Enforcement Officer, or the 3-person panel, if applicable, 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 this chapter and are imposed for the purpose of minimizing any adverse impact the short-term rental unit may have on the neighborhood or community, or are based on a history of adverse impacts on the neighborhood or community due to rental activity on the property prior to the current application for a permit.

D. Short-term rental permits issued pursuant to this chapter shall state the following:

1. 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 during the entire time the short-term rental property is being rented;

2. The maximum occupancy and vehicle limits of the short-term rental unit;

3. Identification of the number of and location of parking spaces available;

4. Any conditions imposed by the Code Enforcement Officer or the 3-person panel, if applicable.

E. The Town shall notify the owners of record of all adjacent properties by mail, at the address the Town Assessor has on file for each such adjacent property for the sending of property taxes, that a short-term rental permit has been issued to the permit holder(s). The adjacent property owners will be notified of the permit number, the phone number of the contact person(s) for the short-term rental property, and that they may obtain a copy of the short-term rental permit from the Town upon request. The adjacent property owners will be notified that they should promptly notify the Code Enforcement Officer, in writing, of any violations of the permit, this chapter, and the Town Code.

§141-8. Conformity and display of permit.

A. A short-term rental permit is subject to continued compliance with the requirements of these regulations.

B. Prior to any tenants coming onto the short-term rental property:

1. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental, along with a map of the property and notice that no trespassing is allowed on any neighboring or adjacent property at any time for any purpose, and a statement that the property is subject to the Noise Ordinance of the Town of South Bristol Town Code, Chapter 113, Sections 113-1 through 113-8.

2. A copy of the current list of short-term rental properties will be provided by the Code Enforcement Officer to the Fire Department having jurisdiction.

C. The owners of the short-term rental property 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 change in the information displayed on the short-term rental permit. If, based on such changes, the Code 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 with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner upon request as required in Subsection 141-7 (E) herein.

D. The short-term rental permit holder must conspicuously display the short-term rental permit number in all advertisements for the applicable short-term rental. The permit holder shall notify the Code Enforcement Officer of each and every advertising website used for the property and all identifiers. The permit holder must notify and update Code Enforcement when advertising websites are added or discontinued.

§141-9. Compliance, Hearings and Penalties.

A. Violations of this chapter or of any short-term rental permit issued pursuant to this chapter shall be subject to enforcement and penalties prescribed in this chapter, as amended.

B. In the event an adjacent property owner or other resident of the Town of South Bristol complains of an alleged violation of a permit or violation of this Chapter, they may contact the contact person designated on the permit or a law enforcement agency to assist in resolving the complaint, describe the problem from which the complaint arises, and

indicate the desired remedy. The contact person shall respond to the complaint within sixty minutes of receiving the complaint and remedy as soon as reasonably possible in any situation that is out of compliance with this Chapter or with the permit for the Short-term Rental Property. If the response is not satisfactory, the adjacent property owner or resident of the Town of South Bristol may file a complaint with the Code Enforcement Officer in writing and by filing the complaint in person, by mail, or by email. The complaint shall provide the pertinent information including the date, time, and nature of the alleged violation, as well as a statement that the complainant was unable to contact the contact person or did contact the contact person but the complaint was not adequately resolved.

C. If the Code Enforcement Officer witnesses or receives a written complaint of an alleged violation of this chapter, or the terms and conditions of any short-term rental permit issued pursuant to this chapter, the Code Enforcement Officer shall investigate the alleged violation. If the Code Enforcement Officer determines, after investigating any complaint, that there is evidence of a violation of the terms and conditions of a short-term rental permit or this chapter, the Code Enforcement Officer may take the following actions:

1. Issue a Notice of Violation – Order to Remedy to the Owner regarding any violation of the short-term rental permit or this chapter. The Owner shall take corrective action of any violations within 30 days. If remedial action satisfactory to the CEO has not been taken within 30 days, the permit will be revoked;

2. Attach reasonable conditions to the existing short-term rental permit;

3. Suspend the short-term rental permit. Notice of a suspension of a short-term rental permit shall be given by the CEO to the short-term rental permit holder(s) and any owners of adjacent properties, and filed with the Town Clerk;

4. Revoke the short-term rental permit. Notice of revocation of a short-term rental permit shall be given by the CEO to the short-term rental permit holder(s) and any owner(s) of adjacent properties, and filed with the Town Clerk. Should a permit be revoked, none of the Owners of the short-term rental unit may obtain a short-term rental permit sooner than one year after the date of revocation;

5. Issue an appearance ticket for South Bristol Town Court for any violation of the Short-Term Rental Permit or Short-Term Rental Law;

6. Emergency Suspension: Upon the discovery of an immediate health hazard to renters or the general public, the Town Code Enforcement Officer may suspend the Short-Term Rental Permit until the Owner can demonstrate the hazard has been remedied;

7. Any Short-Term Rental Permit shall be immediately subject to revocation upon the Town's discovery of inaccurate information provided in the application or attachments thereto or with any renewal as submitted by the Owner or the Owner's Agent, including the Owner's or Owner's Agent's failure to update information concerning the short-term rental units subject to the permit;

8. Any suspension or revocation of a short-term rental permit by the Code Enforcement Officer shall be communicated to the Owner(s) and their designated contact person by certified mail through the United States Postal Service addressed to the property of the owners and contact person on the short-term rental application;

9. Upon receipt of a notice of suspension or revocation of a short-term rental permit, an Owner shall have 30 days to request, in writing, a hearing before the South Bristol Zoning Board of Appeals. Such written request shall be mailed or delivered personally to the Code Enforcement Officer. Upon receipt of a request for a hearing, the Zoning Board of Appeals shall schedule a hearing within 45 days. The Zoning Board of Appeals shall provide a notice of hearing to the Owner(s) by first-class mail to the address(es) provided on the short-term rental application, no less than 10 days prior to the date of the hearing. At the conclusion of the hearing, the Zoning Board of Appeals shall determine if the terms of the short-term rental permit or the regulations contained in this chapter were violated; and, if it finds that there was a violation or violations, the Zoning Board of Appeals shall affirm or modify the suspension or revocation. If no violation is found, the Zoning Board of Appeals shall reverse the suspension or revocation and reinstate the short-term rental permit. In the event the permit is reinstated, the Zoning Board of Appeals, in its discretion, may attach additional conditions to the short-term rental permit. The first Owner(s) on the waiting list for a permit will not become eligible until the hearing is completed and the revocation is affirmed.

§141-10. Application for Renewal of Short-Term Rental Permit.

A. Application for renewal of the short-term rental permit is due 30 days prior to expiration and requires payment of the renewal fee of as established by the South Bristol Town Board for each authorized bedroom.

B. At the time of application for renewal, the landlord, owner, or designated agent, if applicable, must present the previous short-term rental permit and certify that they, the rental property and rental unit are in full compliance with the short-term rental permit currently held and the requirements of a short-term rental permit and the short-term rental law.

C. The property must have undergone an inspection performed by the Code Officer, and all violations must be remedied prior to renewal of a short-term rental permit for short-term rental.

D. In the event that the property is served by an on-site wastewater treatment system, an inspection report issued by a certified septic inspector that complies with §141-6 (A)(11) above is required with every other application for renewal, meaning a new inspection report is required every four (4) years.

E. Upon completion of the above items, the Code Enforcement Officer will issue a two-year short-term rental permit renewal.

F. If a renewal application is not received prior to the expiration of the existing short-term rental permit, the short-term rental permit shall be considered suspended. Any existing rental contracts beginning after the expiration date of the current short-term rental permit shall be cancelled by the Owner(s). Any continued rental of the short-term rental unit will constitute a violation of the short-term rental law and subject the owner to immediate revocation of the short-term rental permit by the Code Enforcement Officer.

§141-11. Grounds for suspension or revocation of short-term rental permit.

The Code Enforcement Officer may suspend or revoke a short-term rental permit based upon any of the following grounds:

- A. The applicant has falsified or failed to provide information in the application for a short-term rental permit, application for renewal of a short-term rental permit, registration of property, or registration of property owner.
- B. A short-term rental permit holder has violated the terms or conditions of the short-term rental permit issued.
- C. The applicant violated any provision of this chapter during the term of the short-term rental permit.
- D. The applicant or any tenant violated any provisions of the Code of the Town of South Bristol in relation to the property.
- E. The applicant or any tenant or guest violated any provision of the Penal Code of the State of New York, which violation occurred on, or pursuant to the occupancy of, the short-term rental unit.
- F. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, of adjoining neighbors, or which otherwise creates a public or private nuisance.
- G. There has been removal or disrepair of any safety devices, such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- H. Trespassing on foot or in a vehicle on adjacent property by any short-term rental tenants or guests.
- I. An on-site wastewater treatment system is determined to be leaking, out of operation, or the capacity of the system has been exceeded by short-term rental tenants and their guests exceeding the permitted occupancy of the short-term rental unit.
- J. The Code Enforcement Officer receives evidence or witnesses that the parking and/or occupancy limitations of a short-term rental permit have been exceeded.
- K. An Owner rents a rental unit for less than 30 days when their short-term rental permit has expired, been suspended, or been revoked.
- L. A short-term rental permit has been suspended or is considered suspended for at least 60 days and the suspension has not been removed to reactivate the short-term rental permit.

M. The Code Enforcement Officer has been refused entry onto any part of the subject property or the short-term rental for purposes of conducting any inspections called for in this Chapter as part of the review of a short-term rental application, as part of ensuring compliance with the regulations, requirements and standards of this Chapter and as part of the investigation of a complaint alleging a violation of this Chapter or of a permit issued pursuant to this Chapter.

§141-12. Penalties and actions for violations.

A. A violation of this chapter or of any short-term rental permit issued pursuant to this chapter is hereby declared to be a criminal offense, punishable by a fine not exceeding \$250.00. Each day's continued violation shall constitute a separate additional violation.

B. If any building, structure, dwelling, dwelling unit, lot, parcel, recreational vehicle, or part thereof is used in violation of this chapter or of any short-term rental permit issued pursuant to this chapter, the Town, in addition to other remedies, penalties or enforcement measures, may institute any appropriate action or proceeding to enjoin, stop, restrain, correct or abate such violation.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of this chapter or of any short-term rental permit issued pursuant to this chapter, shall be liable to a civil penalty, of not more than \$500, for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town.

D. Remedies not exclusive. 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 section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of this chapter or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section or in any other section of this chapter, or in any other applicable law.

Section 3: 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.

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

(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 2023 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on _____, 2023, 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 Officer¹.)

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 _____ 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.

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 _____ 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.

Town Clerk

(Seal)

Date: _____