

LOCAL LAW FILING

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Town of Lyme

Local Law No. __ of the year 2021

A Local Law to Amend The Town of Lyme Zoning Law to add a new Section 780, Short Term Rentals.

Be it enacted by the Town Board of the Town of Lyme as follows:

Section 1. AUTHORITY. This local law is adopted pursuant to Article 16 of the Town Law, the New York State Executive Law, §10 of the Municipal Home Rule Law; and Section IX of the New York State Constitution.

Section 2. INTENT and PURPOSE. The Town Board of the Town of Lyme has determined that the current Zoning Law of the Town of Lyme does not adequately address the operation of Short Term Rentals. Short Term Rentals. It is the purpose this local law to establish regulations for the operation of same.

Section 3. ENACTMENT. Town Board of the Town of Lyme hereby enacts a new Section to the Town of Lyme Zoning Law, Section 780: Short Term Rentals as follows:

Section 780: SHORT TERM RENTALS

A. Purpose and intent; authority.

The Town Board has determined that short term transient rentals are an essential, compatible, and beneficial segment of the community. Short Term Rentals provide the community with needed vacancy for visitors which support local business and provide a source of income for Town residents. This legislation is to provide regulation and

assistance to the community, Short Term Rental owners and visitors and to provide benefits to all while minimizing complaints and concerns. This chapter is adopted pursuant to New York Municipal Home Rule Law.

B. Definitions.

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

DWELLING UNIT — One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with provision for living, cooking, sanitary and sleeping facilities provided for the exclusive use of one family or household.

RENTAL — Granting use or possession of a dwelling unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT TERM RENTAL — A dwelling unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, campground or bed and-breakfast.

SHORT TERM RENTAL OWNER — All entities having an ownership interest in a dwelling unit which is used as a Short Term rental.

SHORT TERM RENTAL PROPERTY — The entire area which is under the ownership or control of the Short Term rental owner, including, as applicable, the parcel of land on which a Short Term rental is located, together with the dwelling in which it is located and any other structures on the parcel.

C. Short Term Rental Standards.

Short Term Rentals shall comply with all New York State and Town of Lyme zoning building requirements.

Short Term Rentals shall comply with the Property Maintenance Code of the State of New York, section 404 for the purposes of determining occupancy.

In addition, Short Term Rental units shall comply with the following:

1. The number of vehicles permitted overnight at the Short Term Rental shall be determined by the amount of adequate parking space available at the Short Term Rental. On street parking shall not impede public free entrance and exit to the neighborhood.
2. Each Short Term Rental owner shall provide for weekly trash removal and secure garbage and recycling storage to prevent leakage, spillage, and odors. Trash shall be placed where not clearly visible from the street until required pick up time. Trash may be set for pick up no more than 24 hours prior to scheduled pickup.
3. Each Short Term Rental shall have a visible house number from street or road.
4. Short Term Rental owners must sign the Application/Registration form to operate a Short Term Rental Unit.
5. These rules and regulations shall be enforced by the Short Term rental owner and, if necessary, the Town Zoning Enforcement Officer (ZEO). As a minimum, the rules and regulations shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, unreasonable noise, abusive or obscene language or gestures in public. Quiet hours for the purpose of this chapter shall mean between the hours of 10:00 p.m. and 8:00 a.m.

D. Application and Permit

1. Anyone who owns a Short Term Rental is required to obtain an application/registration form from the Town of Lyme which provides information necessary for a permit approval.
2. All residents must submit complaints directly to the Short Term Rental Owner. If unable to remediate the complaint, the resident may contact the Town of Lyme.
3. All new owners will have 60 days from the date of first being available as a Short Term Rental, to acquire a permit from the Town of Lyme. Failure to comply will result in the owner being prohibited from using the property as a Short Term rental until such time as a permit is requested and issued.

C. Enforcement and Penalties:

Any individual, partnership, corporation or other firm owning, operating, occupying, or maintaining a Short Term Rental or Short Term Rental Property shall comply with all the provisions of this chapter and all orders, notices, rules, regulations, or determinations issued in connection there with.

Whenever the Town Zoning Enforcement Officer (ZEO) finds that there has been a violation of this chapter, or any rule or regulation adopted pursuant to this chapter, the ZEO will issue a notice of violation to the person, individual, partnership or corporation owning, operating, or maintaining the Short Term Rental or Short Term Rental Property in which such violation has been noted. It will be the responsibility of the owner to correct the situation within thirty days.

1. All notices of violation in a calendar year will be mailed by the Town ZEO.
2. The second notice of violation in a calendar year may result in a fine of \$50.00 payable to the Town of Lyme, as determined by the Town Court.
3. The third notice of violation in any calendar year may result in a fine of \$100.00 as determined by the Town Court.
4. The fourth notice of violation in any calendar year results in a revocation of permit for one year and precludes the owner from operating as a Short Term Rental. Revocation of permits that are not followed will be referred to the Town of Lyme attorney for enforcement.

G. Contact Person.

The Short Term Rental Owner must provide all owners of property adjacent to the Short Term Rental with the name, address and telephone number of a contact person or entity. Such contact person or entity must be able to address, by either telephone or in person, any complaint received regarding the Short Term Rental site within one hour of receiving the complaint. A copy of the contact person or entity name, address and phone number shall be maintained on the property and made immediately available upon request from law enforcement officers or Town Buildings and Codes personnel.

Section 4. SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this local law shall be adjudged invalid, such judgment shall apply only to such section, paragraph, subdivision, clause or provision so adjudged, and shall not affect, impair, or invalidate any other part or portion of this local law.

Section 5. EFFECTIVE DATE. This local law shall take effect 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 2021 of the Town of Lyme was duly passed by the Town Board on _____, 2021, in accordance with the applicable Town Board 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)(Lyme) 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 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)(Lyme) 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 of the (County)(City)(Town)(Lyme) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved) _____ (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 Lyme, 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 Town 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.

Ariana Henderson, Town Clerk,
Town of Lyme

(seal)

Date:

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

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

Signature

Title: Joseph W. Russell, Attorney
Town of Lyme

Date: