

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Water/Sewer Relief

DATE: 12-27-2022

DEPT OF ORIGIN: Mayor Williams

BILL # 188-2022

DATE SUBMITTED: 12-22-2022

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION
REQUIRED:

Resolution to authorize partial credit to water/sewer Bill #6089

MOVED BY: Scollin SECONDED BY: Catillaz

VOTE ON ROLL CALL:

MAYOR WILLIAMS yes

TRUSTEE BRUNETTE no

TRUSTEE CATILLAZ no

TRUSTEE SCOLLIN no

TRUSTEE SHAPIRO no

RESOLUTION TO AUTHORIZE PARTIAL CREDIT TO WATER/SEWER BILL #6089

WHEREAS, the Village of Saranac Lake recently created a water/sewer extenuating circumstances policy aimed at improving both public and private water/sewer infrastructure, and,

WHEREAS, there was an instance of infrastructure failure without any negligence of property owner resulting in overages in excess of \$5,000, and,

THEREFORE, BE IT RESOLVED, the Village of Saranac Lake Board of Trustees authorizes a one-time credit of \$2,600 towards improvements totaling ≈3,800 if bill is paid in full.

BE IT FURTHER RESOLVED, this credit will be applied to future water/sewer bills at this property and this will be the one and only instance this relief will be offered to this property.



Village of Saranac Lake

39 Main Street, Suite 9 Saranac Lake, NY 12983-2294
Phone: (518) 891 - 4150
Fax: (518) 891 - 1324
E-mail: clerk@saraanclakeny.gov
Web Site: www.saranaclakeny.gov

December 9, 2022

Saranac Lake, New York 12983
RE: Water Sewer Bill Relief

Mr. Marino,

It has been brought to the attention of the Village Board of Trustees that on September 20, 2022, you discovered a major water leak in your service line located on the customer side of your pit meter. This pit meter serves three mobile homes on the property. After investigation of the situation, and with assistance from the Department of Public Works, the problem was discovered in short order. You were able to immediately respond and repair the leaking line. The village commends you on your dedication and quick response to the otherwise unforecastable problem.

Moving forward, the village has recently adopted a policy in which the Village Board, at its discretion, may issue a onetime water/sewer bill forgiveness opportunity. This opportunity, and I cannot stress this enough, may only be afforded one time in the life of the property. If you choose to use this on the bill related to the above incident, the Village is willing to offer you the relief with the following terms.

- Upon complete payment of the outstanding bill, the village is willing to offer you \$2,600.00 dollars in credit to be applied to your future water/sewer bills. This amount be automatically credited to your account and the bill will be marked as "paid" on

our records at the beginning of each billing cycle until the credit no longer exist

- In return for the credit, the Village Board would ask that you invest that money back into you water system by upgrading the water and sewer infrastructure. Once the system has been updated to meet New York State building code, and passes the inspection by the Village of Saranac Lake Code Enforcement Officer, then the credit will be applied to your account.

If you agree to these terms, and would like to move forward with the property improvement in exchange for the applied credit, please contact me to initiate the agreement.

Erik Stender

Village Manager
Saranac Lake, NY

**RESOLUTION TO ADOPT RELIEF POLICY FOR
WATER/SEWER OVERAGE**

WHEREAS, Chapter 22.9 of the New York Conference of Mayors Handbook states that “since water and sewer rents are contractual charges, not taxes, a discount or partial exemption is not constitutionally prohibited”, and,

WHEREAS, since a discount or partial exemption has the effect of granting preferential treatment to a particular class of persons, the classification must not be arbitrary and must have a rational basis, and,

WHEREAS, classification and rational basis for the good of critical infrastructure will be decided at the discretion of the Saranac Lake Village Board of Trustees, and,

WHEREAS, the classification must have substantial and reasonable relation to the accomplishment of a legitimate public objective or purpose, in this case the public purpose would be for critical infrastructure benefits, and,

WHEREAS, in cases where a water/sewer overage is in direct relation to failure of infrastructure, but no clear negligence is found, the Village Board reserves the right to consider all facts and determine if any portion of the charges shall be forgiven or forgiven if agreed upon infrastructure repairs/upgrades are completed by property owner. Forgiveness will be granted a critical infrastructure benefit once per property.

NOW, THEREFORE BE IT RESOLVED, The Village of Saranac Lake Board of Trustees adopts a policy for to forgive particular cases of water/sewer overages directly related to infrastructure failure.

SHORT TERM RENTAL LAW – VILLAGE OF SARANAC LAKE
LOCAL LAW NO. # _____ OF 2022
A LOCAL LAW CREATING CHAPTER _____ Rental Properties
VILLAGE OF SARANAC LAKE, NEW YORK

Article I
Short Term Rentals

114-1. Purpose.

The purpose of this Local Law is to address the use of Short-Term Rentals within the Village of Saranac Lake, and the surrounding areas; to encourage the use of housing for traditional long-term rentals, in an effort to mitigate the impact of Short-Term Rentals on the housing market, particularly the stability of the Long-Term Rental market; to ensure the safety of Short-Term Rentals; and to ensure that certain concerns, including, but not limited to, the following concerns are addressed:

- A. Quality of life (parking, noise pollution, traffic, proper garbage removal, animal control, etc.)
- B. Health and safety (including wastewater treatment, water quality, ingress/egress, fire control, etc.)
- C. Outside activities (assembly spaces, bonfires, events)
- D. Balance the needs and rights of all residents;
- E. Protect residents from external forces affecting housing access and affordability;
- F. Provide stability and a high quality of life for Village residents;
- G. Provide Village residents with the opportunity to benefit from tourism; and
- H. Provide great benefit to the community when operated appropriately by Village residents.

This Local Law imposes mandatory regulations and requirements on all Village of Saranac Lake property owners currently renting, or planning to rent, their property on a Short-Term basis.

114-2. Authority.

This Local Law is adopted in accordance with Articles of the Village Law of the State of New York, which grants the Village of Saranac Lake the authority to enact local laws for the purpose of promoting, health, safety and welfare of the Village, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Village of Saranac Lake the power to protect and enhance its physical environment. This Local Law authorizes the Code Enforcement Officer (or such other person or entity designated by the Village Board) to issue permits to property owners to operate Short-Term Rental units, per the provisions set forth in the following sections.

114-3. Definitions.

- A. **Short Term Rental (STR):** A supplementary business within a private residence, accessory dwelling unit, or portion thereof; and in which no public restaurant or other commercial services

are offered within the rental itself; and that is rented or leased to a turnover of transient guest(s) for no more than 30 days per rental and/or lease occurrence, listed on STR platforms such as, but not limited to Airbnb, VRBO, Hometogo, etc.

B. **Host/Owner:** A designated adult, 21 years of age or older, who legally resides on a full-time basis within the Village of Saranac Lake, and can provide proof of such residency satisfactory to the Code Enforcement Officer, or such other person or entity duly designated by the Village Board, and is available to promptly manage emergencies and other STR renter issues. The Host/Owner should understand STR rules and regulations, and be able to comply with STR operating requirements at all times. The Host/Owner must own the real property within which the STR is to be located.

C. **House Rules:** A set of rules that applies to renters of short-term rental units while occupying the unit, set forth by the property owner prior to any rental occurrence or lease.

D. **Bedroom:** An interior room that functions as a sleeping room, with at least two means of egress. (ex: window, door)

E. **Rental:** An agreement where payment is made for temporary use of property owned by another.

F. **Rental Arbitrage:** The practice of renting or leasing properties and subletting them on STR platforms with or without knowledge or consent of the property owner.

G. **Membrane Structure (Tent, Yurt, Etc.):** A temporary shelter consisting of sheets of fabric or other material draped over or attached to a frame of poles.

H. **Yurt:** A circular tent that may be used as an accessory dwelling unit if it meets NYS building requirements, and approval from the building department.

I. **Campsite:** Any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any membrane structure, platform, lean-to, shack, or any other structure.

J. **Lean-To:** Three walled shelter.

K. **Wastewater:** Includes, but is not limited to laundry, toilets, and showers.

114-4. Procedures and Restrictions

A. **Village-Wide STR Cap:** STRs impact the local real estate market as well as impair the long-term rental market. As such, the Village Board will limit the number of Village-wide STRs annually. The initial cap shall be established by the Village Board following the adoption of this Local Law. Thereafter, the cap of available permits (not including those that have been pre-existing, as discussed below) shall be established annually for the following year by the Village Board. STRs above and beyond the limits set by the Village Board and/or which have not obtained a permit, will be prohibited from operating. Violation of this regulation, or operating an STR without a permit, will result in fines of \$500 per day of operation.

B. **Non-Individual Owners:** Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, or a limited liability company. No property owned by a corporation or other business entity shall qualify for a permit. A general partnership, limited liability partnership, or a limited liability company must disclose names of all

partners and/or members when applying for a permit. Any changes in partners and/or members shall be provided to the Code Enforcement Department, or other person or entity designated by the Village Board, within thirty (30) days of the change. The maximum allowable number of STRs that any individual may own, or have an interest in through ownership in a general partnership, limited liability partnership, or a limited liability company, is four (4). For purposes hereof, if an individual has any ownership interest whatsoever in a general partnership, limited liability partnership, or a limited liability company that has an STR, such ownership interest will count as one (1) STR toward the overall maximum of four (4) STRs.

C. **Hosts:** Individually owned properties must be owned by a Host/Owner, as defined above, to qualify for a permit. At least one (1) owner of a general partnership, limited liability partnership, or a limited liability company must be a Host/Owner, as defined above, to qualify for a permit.

D. **Occupancy:** Shall be limited to 2 guests per Bedroom and total maximum house occupancy shall be established by the Code Enforcement Officer per Section 114-5(A)(5)(f) below, which maximum occupancy must be made clear in property listing and must also be strictly enforced by the Host/Owner.

E. **Address Protocols:** The STR property shall be locatable via GPS, and address shall be clearly demarcated on the property.

F. **House Rules:** All short-term rental unit properties shall post for renters of each dwelling unit a listing of House Rules which shall incorporate, but not be limited to, the following:

- a. An emergency exit plan.
- b. The location of fire extinguishers.
- c. Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.
- d. Identify the procedures for disposal of refuse/garbage.
- e. Specify no outdoor fires unless authorized under local law.
- f. Provide safety instructions for use of fireplaces, firepits, wood stoves, etc.
- g. Proper use of wastewater disposal system, for example septic or sewer system.
- h. No excessive noise, including quiet hours from 10:00 pm to 7:00 am.

G. **Management Requirements:** The STR Host/Owner will provide guests with copies of local laws, such as, but not limited to, noise, animals, fire, and safety ordinances and requirements. Host/Owner will properly clean and maintain STRs between bookings. Host/Owner will also provide emergency contact information as well as address of property, including E911 address of property; will ensure the property address is clearly identifiable from the street, and shall be posted in a visible location on or near the front door; and will provide guests with a property map showing the property boundaries. Approved STRs will be assigned a registration number that must be included in any and all rental listings, and posted within the residence. On-site advertising (signage) is prohibited.

H. **Application of Law to Pre-Existing Short Term Rentals:**

- a. Property owners who operate a pre-existing short-term rental shall have 60 days from the effective date of this law to apply for a valid permit.
- b. They shall be allowed to continue operation until such time as a permit is issued or denied by the Code Enforcement Officer (or other person or entity designated by the Village Board).
- c. To qualify for this pre-existing use, a property owner shall provide:
 - (1) A Certificate of Authority dated prior to the date this law is adopted by the Village Board; and
 - (2) Provide proof of operation of the STR before January 23, 2023; and
 - (3) Submit an application and meet current requirements as defined for all STRs hereunder.
- d. Any property owners who fail to satisfy the requirements of subparagraphs (c)(1), (2), and (3) above shall be required to file a new application and will be considered a NEW operating short-term rental.

I. Cap of Number of Permits for Pre-Existing STRs:

- a. There shall be no cap on the number of permits issued under this Local Law for pre-existing STRs. The Village of Saranac Lake Village Board will determine the cap on the number of new short-term rental permits to be issued in accordance with the process outlined herein. There shall also be no maximum number of pre-existing STRs that a property owner may operate under Section 114-4(H).
- b. The cap number of available new permits shall be established by the Village Board annually.

J. Multi-Family Dwellings: Properties with multi-family dwellings with 3 units or more, are prohibited from use as an STR. The Village of Saranac Lake Village Board may grant an exception to this specific rule on a case-by-case basis. The owner of a multi-family dwelling seeking review by the Village Board must contact the Village Clerk to be placed on the agenda of a regular meeting of the Village Board, and the Village Board will consider the request at a regular Village Board meeting.

K. Temporary Structures: Tents, Trailers, RVs, Membrane Structures, Campsites, Lean-To's, and Yurts are prohibited for the purpose of STR.

L. Rental Arbitrage: Rental Arbitrage as defined above is expressly prohibited.

114-5. Application Requirements.

A. Permit Required: A Host/Owner, who owns real property within the Village of Saranac Lake, shall obtain a revocable short-term rental permit whenever a dwelling will be used for short-term rental purposes.

- (1) Permit applications, and renewal applications, can be obtained from the Code Enforcement Officer, or the Village of Saranac Lake website.

(2) Applications will be completed and approved prior to using the unit as a short-term dwelling.

(3) Separate permit applications, and fees payable, must be submitted for each individual STR location.

(4) Permits must be renewed, and renewal fees paid, prior to the expiration of the prior permit. Failure to renew may result in suspension or revocation of the permit.

(5) An application for a Short-Term Rental Permit, or renewal, shall be submitted to the Village Code Enforcement Officer (or other person or entity designated by the Village Board), signed by all persons and entities that have an ownership interest in the subject property; shall be accompanied by payment of a permit fee to be determined by the Village 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 by the Village; and shall provide the following information:

(a) **Owner Information:** A list of all of the property owners of the short-term rental, including names, addresses, telephone numbers and e-mail addresses.

(b) **Building Permits:** Any upgrades, updates, and/or renovations to the property will be disclosed prior to application, and the proper permits will be taken. Failure to do so will result in fines, fees, or legal action.

(c) **Inspections:** No initial or renewal permit shall be issued without all owners of the property signing an affidavit attesting to compliance with all required elements of the submitted application, and all applicable fire, safety, and building codes. All properties are subject to inspection by the Village of Saranac Lake Code Enforcement Officer if a complaint is reported that a property is not in compliance with the requirements of this Local Law and/or any applicable fire, safety, or building code. To be in compliance, the following requirements must be met:

(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 at each primary exit, 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.

(5) Each bedroom shall have an exterior exit that opens directly to the outside, or an emergency escape or egress window.

(6) The number of parking spaces on the property that meet the standards set forth below.

a. A parking layout plan identifying where parking is to be located is required, and shall accommodate sufficient parking for tenants and residents.

(d) **Waste Removal:** Applicant must provide a waste removal plan at time of application. Garbage shall be placed within a container that adequately prevents animals from disturbing it. The Host/Owner is responsible for any garbage or debris that may have been strewn about by animals.

(e) **Hosting Platform Information:** The applicant shall provide the names and URL's for all hosting platforms or other advertising platforms, such as but not limited to Facebook, Instagram, AirBnB, VRBO, HomeAway, Hometogo, etc., used by the applicant for advertisement of the Short-Term Rental Unit. Any changes or additions to the listed hosting/advertising platform shall be reported on the applicant's renewal permit.

(f) **Maximum Occupancy:** The desired occupancy for an STR will be stated in the permit application. The Code Enforcement Officer shall establish the maximum occupancy for the STR. The Code Enforcement Officer shall limit the number of occupants based on the number, size, configuration, and furnishings of the Bedrooms, and per the provisions of state laws, and as set forth in this Local Law. Once the maximum occupancy is set, such maximum occupancy must be shown in the property listing, and enforced by the owner of the property.

(g) **Water:** The source of the water supply shall be stated on the application and the permit. Annual water test is required if not provided by municipal supply.

(h) **Wastewater/Septic or Sewer:** Applicants are required to state whether they are part of the Sewer District. For those with a private septic, applicants must ensure the septic is functional.

(i) **Residence Description:** A floor plan of each property, including the dimensions of all rooms, occupancy of each Bedroom and the methods of ingress and egress (examples: doors and windows) shall be included with the application. The applicant shall submit a plat of the property showing approximate property boundaries and existing features, including buildings, structures, well, septic system, parking spaces, dumpsters or trash collection receptacle, firepits, driveways, streets and neighboring buildings within one hundred (100) feet of the short-term dwelling unit or ten (10) feet from the property line, whichever the Code Enforcement Officer deems more appropriate.

(j) **Emergencies:** Provide a description of emergency egress for all guests.

(k) **House Rules:** The applicant shall include a copy of the House Rules upon application. Any changes to House Rules shall be submitted upon each renewal.

114-6. Additional Regulations

A. **Application Review:** Upon receipt of the completed application, and fee, the Code Enforcement Officer, or such other person or entity designated by the Village Board, shall determine if the applicant has complied with all the requirements of this Local Law as well as any applicable federal, state, county, or local laws. If the applicant has fully complied, then the Code

Enforcement Officer shall issue the property owner a short-term rental permit. No permit shall be issued should it exceed the cap set by the Village Board. The Code Enforcement Officer (or such other person or entity designated by the Village Board) may refer non-compliant applications, or applications above the cap with extenuating circumstances, to the Village Board for further review.

B. Renewal Permits: The applicant will provide the Village of Saranac Lake with any changes to the original underlying application for a Short-Term Rental Permit, together with such additional documentation as determined by the Code Enforcement Officer (or such other person or entity designated by the Village Board), along with the current renewal application fee.

- (1) Any applicant who applies for a short-term rental unit permit and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.
- (2) Permit holders shall be able to apply for Renewal Permits beginning November 1st through January 15th.

C. General Permit Regulations:

- (1) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- (2) The permit to operate a short-term rental unit in any given year will expire on January 31st, except an initial permit, which will be in effect from the date of approval until January 31st of the next calendar year. All renewal permits shall run from January 31st to January 31st of the next calendar year.
- (3) Rental permits for operation of a Short-Term Rental Unit may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities or properties, except to a spouse, parent, or a naturally born child or sibling.
- (4) All short-term rental unit properties shall post on or about the inside of the front or main door of each dwelling unit, a card listing emergency contact information. Such information shall include, but not be limited to the name, address, email, and phone numbers of the building Host/Owner, and instructions on contacting 911 for emergency/fire/ambulance assistance. The Host/Owner shall be able to respond in person within thirty (30) minutes.
- (5) No person or persons shall be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle, boat, yurts that do not meet the standards to qualify as accessory dwelling units or any other non-dwelling unit.
- (6) Short-Term Rentals shall not be permitted to be used for any commercial use or commercial event space.
- (7) No outdoor camping shall be allowed.

- (8) Parking shall be allowed solely in the legal designated parking spaces.

D. Violations/Complaints:

- (1) Complaints regarding the operation of a short-term rental unit may be placed with the Village Code Enforcement Officer, via phone call or in writing. Immediate complaints may be filed with the Police Department.
- (2) Upon receipt of a complaint of violation, an investigation will be conducted to determine the presence of a violation. If a violation was or is currently occurring, the property Host/Owner, will be given a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
- (3) Notices required by this section shall be issued by the Code Enforcement Officer either by personal service to the property Host/Owner or by certified mail to the address of the property Host/Owner as shown on the permit application.
- (4) If the property Host/Owner does not comply with corrective action by the date given by the Code Enforcement Officer, the Village of Saranac Lake may initiate procedures to revoke the permit, administering fines/fees pursuant to the fee schedule.
- (5) The Code Enforcement Officer shall refer to the Village Board any property Host/Owner whom they believe to be in violation of this Local Law. The Village Board shall determine whether the permit in question shall be revoked. The referral to the Village Board may be done in addition to any other penalties permitted by law.
- (6) Complaints and/or violations of this Local Law can further lead to a denial of a renewal permit.

114-7. Amendment.

Chapter 114 of the Code of the Village of Saranac Lake will be added to the Village of Saranac Lake Code.

114-8. Severability.

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Village hereby declares that it would have enacted the remainder of this Law even without such part, provision, or application.

114-9. Effective Date.

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.