

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

SUBJECT: Proposed Law to Regulate Short-Term Rentals      Date: 2-27-2023

DEPT OF ORIGIN: Trustee Scollin/Trustee Brunette      BILL # 27-2023

DATE SUBMITTED: 2-23-2023      EXHIBITS: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney

\_\_\_\_\_  
Village Administration

EXPENDITURE  
REQUIRED

AMOUNT  
BUDGETED

APPROPRIATION  
REQUIRED:

**Bill 27-2023 Resolution to begin process for seeking advisory comments and obtaining public comment on a proposed local law to regulate short-term rentals under the Village Development Code**

A copy of the bill is attached and made part of these minutes

Chair Mayor Williams called for a motion

Motion: Scollin Second Brunette

Motion to amend: Williams Second: Shapiro to amend language of referral process.

Roll call to amend: Brunette no; Catillaz no; Scollin no; Shapiro yes; Williams yes.

Motion to amend: Williams Second Scollin to amend Application process to include proof of land ownership in form of deed or land contract.

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Motion to amend: Williams Second: Shapiro to include at least one owner maintains 25% ownership under Ownership of Properties

Roll call to amend: Brunette no; Catillaz: yes; Scollin; no Shapiro; yes Williams; yes

Motion to amend: Williams Second Shapiro Cap to be set by zone 90 days after the 60 day application process for pre-existing.

Roll call to amend: Brunette no; Catillaz: yes; Scollin; no Shapiro; yes Williams; yes

Motion to amend: Williams Second Scollin to include starting with recommendations from the STR Administrator, with justification outlined in the Village of Saranac Lake Comprehensive Plan, to the Development Board, and recommendation from the Development Board to the Village Board.

Roll call to amend: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams: yes.

Motion to amend: Williams Second: Shapiro Add no more than one application for STR new host-resident-owner will be permitted in a 30 day period.

Roll call to amend: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams: yes.

Roll Call on amended: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams yes

VILLAGE OF SARANAC LAKE  
LOCAL LAW NO. # \_\_\_\_ OF 2023

A LOCAL LAW TO AMEND THE VILLAGE OF SARANAC LAKE  
UNIFIED DEVELOPMENT CODE

**SECTION 1: TITLE.**

This local law shall be cited as Local Law No. \_\_\_\_ of 2023 of the Village of Saranac Lake and entitled "Short-Term Rental Law."

**SECTION 2: LEGISLATIVE INTENT AND PURPOSE.**

This local law amends Chapter 106 of the Village Code to provide amendments to the Village's Unified Development Code. The purpose of this local law is to address the use of Short-Term Rental Units [hereafter STRs] within the Village of Saranac Lake; in an effort to mitigate the impact of STRs on the Village; ensure the safety of STRs; and ensure that certain concerns and opportunities, including but not limited to, the following are addressed:

- A. Balance the needs and rights of all residents;
- B. Protect residents from external forces affecting housing access and affordability;
- C. Provide stability and a high quality of life for Village residents;
- D. Provide Village residents with the opportunity to benefit from tourism;
- E. Provide great benefit to the community when operated appropriately by Village residents.

The continued operation of Pre-Existing STRs must also be addressed with an appreciation for the substantial investments that have often been made by the owners of those properties and/or their reliance on income from those properties. The Village acknowledges that it has allowed Pre-Existing STRs to be developed and operated without any zoning regulation or required approvals and that zoning regulation of STRs has only recently evolved.

Accordingly, as a matter of fairness to these owners, the Village Board finds that Pre-Existing STRs should be allowed to continue to operate so long as they comply with requirements deemed necessary by the Village for the protection of public health, safety, and welfare. To achieve the desired balance of needs and rights, however, residents living near Pre-Existing STRs should have the opportunity to comment on their operation.

Overall, it is the Village Board's goal to see a respectful dialogue between Pre-Existing STR owners and potentially impacted neighbors facilitated by the Development Board through the Special Use process.

This Local Law imposes mandatory regulations and requirements on all Village of Saranac Lake property owners currently renting, or planning to operate, one or more STRs, as defined herein. The purpose of such regulations and requirements is to assure that the properties being rented meet certain minimum safety and regulatory requirements thereby protecting the property owners, the occupants of such housing, and the residents of the Village of Saranac Lake.

### **SECTION 3: AUTHORITY.**

This Local Law is adopted in accordance with Article 7 of the Village Law of the State of New York, which grants the Village of Saranac Lake the authority to regulate and restrict the location and use of buildings, structures, and land for trade, industry, and residence, for the purpose of promoting the health, safety, morals, or general welfare of the community, 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 and visual environment.

The Village Board of Trustees authorizes the Development Board to issue Special Use Permits to property owners to use their properties as STRs, per the provisions set forth in this local law. The STR Permit Administrator may, thereafter, issue or deny STR renewal permits. Applications for permits to operate STRs shall be processed under the procedures set forth in the Development Code and this local law.

### **SECTION 4: APPLICABLE LAW.**

All property owners desiring to operate an STR must comply with the regulations of this local law. However, nothing in this local law shall alter, affect, or supersede any regulations or requirements of the Village of Saranac Lake Development Code, any regulations or requirements imposed by Franklin or Essex Counties, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Except as temporarily provided herein for Pre-Existing STRs, no operation of an STR unit shall occur except pursuant to a valid Special Use Permit issued by the Village of Saranac Lake Development Board and an STR permit issued by the STR Permit Administrator. Such STR permits shall be valid for a one-year period.

### **SECTION 5: DEFINITIONS.**

Article II, Section 106-6 of the Development Code entitled "Definitions" is hereby amended by adding the following new definitions:

**Access:** The place, means, or way by which pedestrians and or vehicles shall have safe, adequate, and usable ingress and egress to a property, structure, or use.

**Bedroom:** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**Building Code:** The New York State Uniform Fire Prevention and Building Code as promulgated by the New York State Building Code Commission pursuant to Article 18 of the New York Executive Law.

**Camping:** The use of a property as a site for sleeping outside; or for the temporary parking of occupied travel or pop-up trailers, motor homes, truck campers, tents, and all buildings and facilities pertaining thereto to serve as temporary residences.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Host-Pre-Existing-Owner:** A person who owns the real property within which the STR is located and has lawfully been in operation as of January 31, 2023.

**Host-Resident-Owner:** A person whose legal primary residence is within the Village of Saranac Lake,

and can provide proof of such residency, and owns the real property within which the STR is to be located.

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

**Primary Residence:** A person's domicile where they usually live. A primary residence is considered to be a legal residence for the purpose of income tax and voting registration.

**Rental:** An agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

**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.

**Short-Term Rental (STR):** The use of a lot for the rental or lease of any, or part of any, residential use dwelling unit, for a period no more than thirty (30) days. The STR may occur within an entire dwelling, in rooms within a dwelling, or in a separate attached or detached dwelling unit or units on the parcel. Motels, hotels, resorts, inns, and beds & breakfasts, as defined in this chapter, are excluded from this definition.

**Short-Term Rental Permit:** A Special Use Permit issued by the Development Board for the first year of permitted operation or an STR Permit issued by the STR Permit Administrator for annual renewal thereafter.

**Short-Term Rental Permit Administrator:** A person(s) designated by the Village Board to issue STR permits and annual renewals.

**Short-Term Rental Unit:** Dwelling units or rooms used as STRs.

**Short-Term Rental Pre-Existing:** An STR, as defined herein, which is lawfully in operation as of January 31, 2023 and is authorized to continue operation pursuant to the provisions of subsection 106-14.3 of these regulations.

**Short-Term Rental New:** An STR not lawfully in operation as of January 31, 2023.

**Sleeping Unit:** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both.

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

## **SECTION 6: SUPPLEMENTAL STANDARDS.**

Article XIV of the Development Code entitled "Supplemental Standards" is hereby amended by the addition of new section 106-104.2 entitled "Short-Term Rentals" as follows.

### **Ownership of Properties.**

Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, limited liability company, or S corporation. No property owned by any other type of corporation shall qualify for a permit.

A general partnership, limited liability partnership, limited liability company, or S corporation must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided in writing to the STR Permit Administrator within thirty (30) days.

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Motion to amend: Williams Second Scollin to include starting with suggestions to Community Development Office, report to the Development Board, and suggestions to the Village Board with justification outlined in the Comprehensive Plan by the STR administrator.

Roll call to amend: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams: yes.

Motion to amend: Williams Second: Shapiro

Roll call to amend: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams: yes.

Roll Call on amended: Brunette yes; Catillaz yes; Scollin yes; Shapiro yes; Williams yes



**RESOLUTION TO BEGIN PROCESS  
FOR SEEKING ADVISORY COMMENTS AND OBTAINING PUBLIC COMMENT  
ON A PROPOSED LAW TO REGULATE SHORT-TERM RENTALS  
UNDER THE VILLAGE'S DEVELOPMENT CODE**

**WHEREAS**, the Village of Saranac Lake ("Village") is responsible for protecting the public's health, safety and welfare; and

**WHEREAS**, the Village's Comprehensive Plan calls for contemplation of the protection of the character of village neighborhoods, and for the provision of housing for residents of all income levels; and

**WHEREAS**, the Village's Development Code provides for the reasonable regulation of non-residential uses in the Village's neighborhoods; and

**WHEREAS**, the transient rental (30 days or less) of certain otherwise residential uses is already regulated by the Development Code as "Housekeeping Cottages"; and

**WHEREAS**, the Village acknowledges that a broader range of transient rentals of residential properties (Short-Term Rentals or "STRs") has occurred over a period of years in the Village and that the Village has allowed these uses to continue to operate without any regulation under the Development Code; and

**WHEREAS**, the Village recognizes that the development of existing STRs has resulted in the substantial upgrading of some properties in the Village, and that many existing STR property owners have invested in their properties and improved them without any expectation of regulation by the Village under the Development Code; and

**WHEREAS**, the Village also recognizes that the operation of new and existing STRs has the potential to adversely impact housing opportunities in the Village, affect the Village's existing tourist accommodations and to affect the use and enjoyment of neighboring properties; and

**WHEREAS**, accordingly, the Village proposes the adoption of a balanced local law to regulate STRs under the Development Code that is consistent with the Village's Comprehensive Plan, provides for their regulation and makes reasonable accommodation for existing STRs.

**THEREFORE, BE IT RESOLVED THAT:**

- I. The attached draft local law shall be referred to the Essex County Planning Board for advisory comments pursuant to GML Section 239-9; and
- II. The attached draft local law shall be referred to the Village's Development Board for advisory comments pursuant to Development Code Section 106-25; and
- III. The Village Attorney shall place the attached draft local law in appropriate legislative format for adoption by the Village Board; and

- IV. Unless material comments on the draft local law are provided by the Development Board and/or Essex County Planning Board that require further discussion, the Village Clerk shall schedule a public hearing on the attached draft local law for the Village Board meeting on or before May 22, 2023.

*w/ at least 25% ownership of proposed STR property*

Individually owned properties must be owned by a Host-Resident-Owner, as defined above, to qualify for a New STR Permit. At least one (1) owner of a general partnership, limited liability partnership, a limited liability company, or an S-Corp must be a Host-Resident-Owner, as defined above, to qualify for a New STR Permit.

Host-Pre-Existing-Owners are exempt from the Host-Resident-Owner requirement.

### Short-Term Rentals Pre-Existing.

Property owners who operate a Pre-Existing STR, as of the effective date of this local law, shall have 60 days from such date to apply for a Special Use Permit from the Development Board.

Continued operation of a Pre-Existing STR may occur so long as an application for Special Use Permit is diligently pursued and until such time as approval, or approval with conditions, is granted by the Development Board and an STR Permit is issued by the STR Permit Administrator.

No separate Special Use Permit application fees shall be required for Pre-Existing STRs beyond any permit fees required for applications for New STRs. Notice of a public hearing for a Pre-Existing STR shall be by newspaper publication as required by this chapter and by regular mail sent by the STR Permit Administrator. At least 10 days prior to the hearing, Pre-Existing STR owners shall provide the STR Permit Administrator with stamped and addressed envelopes for all property owners within 200 feet of the property where the Pre-Existing STR is located.

To qualify as a Pre-Existing STR, within 60 days of the effective date of this local law, a property owner shall submit a complete STR Permit application to the STR Permit Administrator and the following documentation:

1. A Franklin or Essex County Certificate of Authority, or Certificate of Occupancy;
2. Proof of operation as a STR between January 31, 2022, and January 31, 2023.

Any property owner who fails to produce such documentation shall not qualify as a Pre-Existing STR and shall cease operation until a Special Use Permit is approved by the Development Board and an STR permit is issued by the STR Permit Administrator.

After a public hearing, the Development Board shall approve Pre-Existing STRs, but shall have the authority to impose reasonable, site-specific conditions in addition to these regulations to address valid impacts. Any conditions shall be limited to reasonable measures required in order to minimize impacts on the neighborhoods where Pre-Existing STRs are located.

### Short-Term Rental Permit Cap.

The Village of Saranac Lake Board of Trustees will set a maximum number of STR permits allowed during any given period, in order to protect the health and safety of the residents of the Village of Saranac Lake. The maximum number of New STR permits issued Village-wide between the effective date of this local law and January 31, 2024, shall not exceed 10.

The caps on available permits (not including those deemed to be Pre-Existing) shall be established by the zoning district and reviewed annually. STRs above the limits set by the Village Board will be prohibited from operating.

*→ Starting w/ recommendation from the Community Develop. Director, w/ justification outlined in comprehensive plan, to the Dev. Board*

There shall be no cap on the number of STR permits issued under this Local Law for Pre-Existing STRs. There shall be no maximum number of Pre-Existing STRs that a property owner may operate.

*→ The cap will be set by zone 90 days after the 60 day application process*

Exemptions to the caps may be granted by the Board of Trustees under special circumstances such as new construction and rehabilitation of a derelict or dilapidated building. Any exemption to the caps that may be granted by the Board of Trustees shall first require a public hearing.

*and recommen from the Dev Board to Village Board*



## General STR Permit Regulations.

All STRs shall conform with applicable sections of the Village Code, a Special Use Permit, and the following regulations:

**Camping.** Camping is not permitted on properties where an STR is permitted.

**Display.** Permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants. STRs shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency contact information and House Rules.

**Noise.** Noise shall be kept at a reasonable level. Unreasonably loud, disturbing, and unnecessary noise should not occur, including during quiet hours between 10:00 p.m. and 7:00 a.m.

**Occupancy.** The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants per the provisions of NYS Property Maintenance Code. Occupancy limits shall be strictly enforced by the owner.

**Parking.** Parking shall be allowed solely in approved off-street or legal on-street parking spaces.

**Rental Arbitrage.** Rental Arbitrage is not permitted on properties where an STR is permitted.

**Rubbish & Garbage.** The owner is responsible for all refuse and garbage removal. Rubbish & garbage management and storage shall conform to section 106-96.

**Signage.** Exterior advertising signs are prohibited, however an STR may display one non-illuminated accessory use freestanding or wall sign not to exceed four (4) square feet in area to identify the STR. The sign shall conform to the Signage Design Standards.

**Transfer.** STR permits may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities, or properties, except to a spouse, parent, or naturally born/legally adopted child or sibling. If a permitted property is sold, the new owners shall submit a completed STR permit application, and nonrefundable STR permit application fee to the STR Permit Administrator within 30 days of the date of new ownership to continue operation as an STR.

**Validity.** STR permits shall be valid for one year. An STR permit issued in any given year will expire on January 31 of the next calendar year. All renewal permits shall run from January 31 of the year of issuance to January 31 of the following calendar year.

## Application Forms.

Application forms for an STR permit shall be developed by Village staff and authorized for implementation/revision by the Village Board.

## Fee.

A nonrefundable STR permit application fee shall be established by resolution of the Village of Saranac Lake Board of Trustees for each dwelling unit that functions as or contains at least one STR unit. Such permit fee shall be submitted with each new application and each annual renewal application. An application shall not be deemed complete unless the permit fee is received.

## Application Process.

The initial application to operate an STR shall be submitted to the Development Board through the STR Permit Administrator for a Special Use Permit. The application for an STR Permit shall include the following information:

→ *Proof of ownership in the form of a deed or land contract.*

Certificate of Authority and/or Certificate of Occupancy. Copy of the corresponding Franklin or Essex County Certificate of Authority and/or Certificate of Occupancy.

Contact Information. The names, addresses, email address(es), and day/night telephone numbers of the property owner(s).

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).

Site Plan. The applicant shall submit a plan of the property showing approximate property boundaries and existing features, including buildings, structures, driveway, the number and location of parking spaces, dumpsters or garbage receptacle locations, firepits, streets and neighboring buildings within ten (10) feet of the property line.

Hosting Platform Information. Names and URLs for all hosting platforms (including, but not limited to, Airbnb, VRBO, etc.), websites, social media platforms (including, but not limited to, Facebook and Instagram) used by the applicant for advertisement of the STR. Any changes or additions to this information shall be reported on the renewal permit application.

House Rules. A copy of the House Rules that will be posted.

Water and Sewer/Septic. The source of the water and sewer/septic service shall be stated on the application and the permit. Sewer/septic systems shall be functioning. The type, size, and location of the septic system (if applicable) shall also be stated on the application.

## Application Review.

Upon receipt of the application and fee, the STR Permit Administrator shall determine if the applicant has complied with all the requirements of this local law, the Development Code, and any applicable federal, state, county, or local laws. If the applicant has fully complied, then the Development Board may issue the property owner a Special Use Permit for an STR after a public hearing. Based on the approval of such a Special Use Permit, the STR Permit Administrator may issue a renewable STR permit.

*No more than one application for short term rental new host-resident-owner will be permitted in a 30 day period*

## Renewal Permits.

A renewal permit application with the renewal application fee must be submitted to the STR Permit Administrator annually. Permit holders shall be able to apply for renewal permits from November 1 through January 15 and shall be allowed to continue to operate until a determination is made on their application. Any applicant who applies for an STR permit and did not hold a permit the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

The STR Permit Administrator may deny a renewal application based on noncompliance with the regulations contained in this section or conditions of the Special Use permit, or upon failure of a fire safety inspection in any aspect of that inspection. The STR Permit holder may appeal the denial to the Development Board.

## Inspections.

After issuance of a Special Use Permit, the STR <sup>may</sup> shall be inspected by the Code Enforcement Officer to verify compliance with the New York State Uniform Fire Prevention and Building Code and all requirements of the Special Use Permit. An STR which is not in compliance with conditions of the Special Use Permit shall not receive an STR permit.

→ affidavits + Building code regs

## House Rules.

STR properties shall post for renters of each STR unit a listing of House Rules. House Rules shall include, at minimum, the following:

Camping. Camping is not permitted.

Commercial Use. STRs shall not be permitted to be used for any other commercial use or commercial event space.

Contact Information. The names, addresses, email address(es), and day/night telephone numbers of the property owner(s).

Description. An emergency exit egress plan and the location of fire extinguishers. Identification of the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.

Fires. If allowed by the property owner, instructions for fires in indoor fireplaces or wood stoves. If not allowed by the property owner, a statement to that effect.

Noise. Noise shall be kept at a reasonable level. Unreasonably loud, disturbing, and unnecessary noise should not occur, including during quiet hours between 10:00 p.m. and 7:00 a.m.

Parking. Parking shall be allowed solely in approved off-street or legal on-street parking spaces.

Pool. If the property has a pool, hot tub, or other swimming appurtenance [hereafter pool], a clear list of requirements related to use of the pool, including explanation of the use of any required barriers, barrier latches, alarms, electrical disconnects, etc.

Rubbish & Garbage. Identification of the procedures for disposal of rubbish and garbage.

## Complaints.

Complaints regarding noise of an STR shall be made to the Village of Saranac Lake Police Department.

Complaints regarding the operation of an STR shall be made in writing to the Code Enforcement Officer.

Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation. Upon finding that a violation was or is currently occurring, the Code Enforcement Officer shall issue a notice detailing the alleged violation(s) as determined in accordance with Development Code. Such notice shall also specify what corrective action is required, and the date by which action shall be taken. No renewal permit shall be issued until violation(s) are resolved.

### **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.

### **Effective Date.**

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