

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; to ensure the safety of STRs; and to ensure that certain concerns, 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 Saranac Lake Village Board must balance the needs and rights of all residents, while doing everything they can to protect residents from the external forces affecting housing access and affordability. Close-knit neighborhoods can provide stability and a high quality of life for village residents. STRs, when operated appropriately and leveraged by village residents, can provide great benefit to the community. Tourism should be leveraged to build resilient, local wealth and directly benefit village residents. Revenues generated from STRs shall be dedicated to addressing housing needs in the Village of Saranac Lake.

This Local Law imposes mandatory regulations and requirements on all Village of Saranac Lake property owners currently renting, or planning to operate 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 STR permits for such approved uses. 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 a 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 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 the 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 STR units while occupying the unit, set forth by the property owner prior to any rental occurrence or lease.

**Local Manager:** The person specifically named on the application and permit that is responsible for the day-to-day operation of a STR, and who may be contacted if there is a problem at the STR. The Local Manager may be either the owner or an agent of the owner. The local manager must reside within fifteen (15) miles of the Saranac Lake Village Offices.

**Owner Occupied:** A STR unit that is the primary residence of the owner or the owner is present in

the dwelling or is present on the same parcel while the residence is being used as a STR.

**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 designated by the Village Board to issue STR permits.

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

**Short-Term Rental, Pre-Existing:** A STR, as defined herein, which is lawfully in operation as of January 31, 2023.

**Short-Term Rental, Newly Operating:** A STR not in operation prior to 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 subsection 106-14.3 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 of change.

Individually owned properties must be owned by a Host-Resident-Owner, as defined above, to qualify for a 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 STR Permit. Host-Pre-Existing-Owners are exempt from the Host-Resident-Owner requirement.

## Existing Short-Term Rentals.

Property owners who operate an existing STR, as of the effective date of this local law, shall have 120 days from such date to apply for a Special Use Permit from the Development Board.

Continued operation of an 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 and modifications, is granted by the Development Board and an STR Permit is issued by the STR Permit Administrator.

To qualify as a pre-existing STR, within 120 days of the effective date of this local law, a property owner shall produce the following documentation of compliance with paragraphs (1), (2), and (3) below. To qualify as an Pre-Existing STR, property owners shall provide as part of its application to the Development Board:

1. A Franklin or Essex County Certificate of Authority dated prior to January 1, 2023;
2. Proof of operation as a STR between January 1, 2022, and January 1, 2023; and
3. Submit an application and meet current requirements as defined for all STRs hereunder.

Any property owners who fail to produce such documentation shall not qualify as a Pre-Existing STR.

## 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 safety of the residents of the Village of Saranac Lake. The maximum number of STR permits allowed, Village-wide, shall not exceed seven and a half (7.5) percent of total housing units in the Village, as identified by the U.S. Census Bureau's most current American Community Survey data.

The Cap of available permits (not including those that have been pre-existing) shall be reviewed annually. STRs above and beyond the limits set by the Village Board will be prohibited from operating.

There shall be no cap on the number of 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.

Exemptions to the Cap may be granted by the Board of Trustees under special circumstances such as new construction, rehab of derelict building, etc.

## General Permit Regulations.

STRs shall conform with applicable sections of this Chapter 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.

**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

Uniform Fire Prevention and Building Code. Occupancy limits shall be strictly enforced by the owner.

Owner-occupied. Owner-occupied STRs should not be subject to the same requirements.

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 § 106-96.

Signage. Exterior advertising signs are prohibited, however an STR may have 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. New 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. Pre-Existing STR permits may be assigned, pledged, sold, or otherwise transferred once, over the lifetime of the dwelling unit being used as STR, or to a spouse, parent, or naturally born/legally adopted child or sibling.

Validity. STR permits shall be valid for one year. An STR permit in any given year will expire on January 31, except an initial permit, which will be in effect from the date of approval until January 31 of the next calendar year. All renewal permits shall run from January 31 to January 31 of the next 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 a 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 for a Special Use Permit.

The application for an STR Permit shall include the following information:

Certificate of Authority. Copy of Franklin or Essex County Certificate of Authority.

Contact Information. The names, addresses, email address(es), and day/night telephone numbers of the property owners and local managers (if applicable or required).

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, well & septic system locations (if applicable), driveway, the number and location of parking spaces, dumpsters or garbage receptacle locations, firepits, streets and neighboring buildings within ten (10) feet from the property line.

Hosting Platform Information. Names and URLs for all hosting platforms (including but not limited to, Airbnb, VRBO) 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.

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 Uniform Fire Prevention and Building Code.

Pre-existing STR documentation. An applicant seeking an STR permit for a pre-existing STR shall provide documentation of compliance as described above.

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, and 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 Administrator shall determine if the applicant has complied with all the requirements of this local law, the Development Code, as well as 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. Based on the approval of such a Special Use Permit, the STR Permit Administrator may issue a renewable STR permit.

## 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 beginning 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 a STR permit and did not hold a permit the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

## Inspections.

After issuance of a Special Use Permit and prior to operation, the STR 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 a STR permit.

## House Rules.

STR properties shall post for renters of each dwelling unit or rooms 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. Name and contact information for owner or local manager.

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 stating as such.

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 the required barriers, barrier latches, alarms, electrical disconnect, etc.

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

## Complaints

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

Noise Complaints should be made to the Village of Saranac Lake Police Department.

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, 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 the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.