

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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.

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STATE RECORDS

DEC 13 2022

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Mayfield

DEPARTMENT OF STATE

Local Law No. 2 of the year 2022

A local law Amending the Zoning Law of the Town of Mayfield as Regards

(Insert Title)

Short-Term Rentals and Repealing Local Law No. 2 of the Year 2019

Pertaining to Such Rentals.

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

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Mayfield

as follows:

The text of this Local Law is annexed hereto.

ARTICLE V: SUPPLEMENTARY REGULATIONS

509 Short-Term Rental

The purpose of this Local Law is to regulate short-term rental of homes within the Town of Mayfield. The Town recognizes that from time to time local residents have the need to rent their homes.

The Town recognizes that many of the properties that are currently being rented short-term are in close proximity of existing residential property and that extensive short-term rentals may cause disruption to the peace, quiet and enjoyment of residential members of the community, and that some form of regulation is needed to prevent such disruption.

In addition, the Town of Mayfield hereby establishes a program for the enactment, enforcement, and administration for the purpose of periodic registration of all short-term rental units within the boundaries of the Town of Mayfield. Property owners who wish to provide short-term rentals within the Town of Mayfield are therefore required to register their property with the Town every two years.

The Town of Mayfield Town Board may from time to time modify the registration form, registration fee, noncompliance fees, and/or other items applicable to this law. The Code Enforcement Officer has the right to administer and enforce this local law per the Town of Mayfield Compilation Zoning Regulations Article XII Section 1201.

To achieve these stated goals, the Zoning Law of the Town of Mayfield is amended as follows:

Subsection 509-1: Applicability:

This Law shall apply to all one, two or multi-family dwellings within any zoning districts within the Town of Mayfield.

Subsection 509-2: Definitions and word usage:

A. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary.

Words used in the singular include the plural, words used in the present tense include the future tense, the word person includes a corporation, limited liability company, partnership, trust or any other such legal entity as well an individual, and the word shall is always mandatory.

B. For the purpose of this chapter, certain terms or words shall be interpreted as follows:

Absentee Host - Any Host whose primary residence is outside the designated boundaries of the Town of Mayfield as those boundaries may be defined at the time of regular, periodic property registration.

Hunting Cabin - A structure void of septic, and well, used primarily for the purposes of lodging hunters typically found within but not limited to areas zoned Recreation, Public, or New York State Wild Forest Land.

Immediate Family - The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents, grandchildren or domestic partner.

Host - Any property owner or designated agent who offers a housing unit for occupancy.

Resident Agent - A representative of a property owner or Host whose primary residence is within a 25-mile radius of the Town of Mayfield.

Short-Term Rental Property - Any one, two, or multi-family dwelling unit which is occupied by persons other than the owner or their immediate family, or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

Short-Term Rental - The rental of a permitted dwelling to the transient, traveling or vacationing public for a term of not more than 60 days with each new tenant being considered the start of a new term.

Tent: A temporary structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner.

Subsection 509-3: General:

A. The owner of a one, two or multi-family dwelling may rent the dwelling as a short-term rental subject to all terms and conditions of this and all other provisions of the Codes of the Town of Mayfield.

B. Permit required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.

I. A short-term rental permit shall be obtained prior to using the unit as a short-term rental. No property may be used as a short-term rental without a short-term rental permit.

II. No short-term rental property may be rented for greater than one hundred twenty (120) days in any given calendar year.

III. A short-term rental permit shall be valid for two years from the date of issue, shall expire on the second anniversary date of the date the permit is issued, and must be renewed upon expiration as long as the unit is used as a short-term rental. The renewal application shall be the same as the initial application. At the expiration of one year during each two year permit term, the owner shall file a sworn certification with the Enforcement Officer that the permitted dwelling unit remains in full compliance with this law along with the septic inspection required by Subsection 509-3: General (F), if applicable. Said owner shall also pay the annual permit fee at said time.

IV. The short-term rental permit is not transferable to a new owner of the short-term rental property.

V. There shall be only one short-term rental permit issued per property. Thus if a property has more than one dwelling unit the permit issued shall be limited for one dwelling unit only.

VI. If the terms of the short-term rental permit are not followed, or these regulations or those subsequently adopted are not followed, the short-term rental permit may be revoked and the owner shall be subject to the penalties provided in Subsection 509-5: Enforcement and Penalties.

VII. No permit shall be issued, nor re-issued, unless and until:

(i) the property complies with the Town of Mayfield Land Use

Code, expressly including the terms of this section, the New York State Building Code and any other municipal code which may be applicable to the property and its use for short-term rental; and (ii) the Enforcement Officer receives the septic system annual inspection report required by subsection 509-3: General (F) of this section, if applicable.

VIII. Occupancy Tax Registration. No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Fulton County Treasurer's Office.

IX. No Permit Fee. Any owner occupied short-term rental property which is rented for fourteen (14) days or less in any calendar year shall be exempt from paying the permit fee required by subsection 509.6: Fees, but shall nonetheless require a permit.

C. Each residential rental shall, at a minimum, comply with New York State Property Maintenance Code Section 404.4.1 pertaining to minimum square footage requirements per person, and the maximum occupancy for each short-term rental unit shall be the most restrictive of the following:

I. Maximum occupancy shall be calculated as 2 times the number of bedrooms that are in compliance with the New York State

Building Code plus 2 additional occupants.

Examples:

2 Bedroom unit = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.

4 Bedroom unit = 8 occupants for 4 bedrooms + 2 additional = 10 maximum

6 Bedroom unit = 12 occupants for 6 bedrooms + 2 additional = 14 maximum, OR

II. Maximum occupancy for studio apartment shall be 2 occupants for the first 220 sq. ft. with 1 additional occupant for each additional 100 sq. ft. of living space.

Example:

550 sq. ft. studio = 2 for first 220 sq. ft. + 3 for 330 remaining sq ft.= 5 maximum, OR

III. Maximum capacity of the septic system for properties

served by a septic system.

D. It is the Host's responsibility to ensure that the use and occupancy of a short-term rental premises is in compliance with the laws of the Town of

Mayfield and does not create undue or excessive noise or disturbance and that the same does not endanger the health, safety or welfare, or unreasonably interfere with the use and enjoyment of any person occupying neighboring properties.

E. The premises are not to be rented for weddings, corporate events, reunions, company functions, and any other similar type of outdoor events

F. Hosts are required to send the Town of Mayfield Code Enforcement Officer a yearly inspection of the well and septic system. The first year of operation as a short-term rental, the Host is required to have an inspection of the septic system, which will entail a review of the tanks, distribution box, leeching field, and other related tanks and equipment where applicable. Documentation will be submitted at the time of registration.

Should deficiencies be noted the Code Enforcement Officer may require additional information and possible action and documentation. Short-term rentals with inadequate septic systems or holding tanks, as determined by the Code Enforcement Officer, will have reduced occupancy limitations set by and based on the capacity of the septic system or holding tanks that service the short-term rental, based on bedroom count. All on-site septic systems shall be clearly identified to prevent damage from cars parking or heavy equipment.

(a). If a short-term rental property has access to municipal water or sewer, those respective yearly inspections are not applicable, voiding a yearly review.

G. As defined by the Vehicle and Traffic Law of the State of New York, all motor vehicles owned or operated by renters or guests shall be parked along the property being rented. No more than two (2) vehicles shall be parked on a road for use by the general public. Private road parking is prohibited.

H. All rental agreements shall clearly state the restrictions on parking and the number of occupants. In addition each renter shall be provided with a

"Good Neighbor Brochure" as provided by the Town outlining

all pertinent local regulations as well as what is expected of the renter with respect to noise, trash, parking and trespass on neighboring properties. The Good Neighbor Brochure may also be accessed on the Town of Mayfield's website.

I. Each short-term rental Host shall provide a 24/7 Resident Agent to deal immediately with all non-emergency issues, such as noise, trash and parking issues.

J. Prior to the issuance of a permit each short-term rental property shall be inspected for the installation and proper operation of smoke and carbon monoxide detectors as required by the Uniform Building Code of the State of New York.

K. All Hosts offering a short-term rental property must comply with all applicable local, state and federal laws and tax requirements.

Subsection 509-4: Rental Property Registration:

A. It is the responsibility of the property owner to register any rental property or properties with the Town of Mayfield. Failure to do so constitutes a violation of these regulations and is subject to the penalties by the Town.

B. All absentee Hosts must have an emergency contact person (Resident Agent) for each rental property.

C. If the short-term rental property changes ownership at any time, the new owner must re-register the property with Town of Mayfield Code Enforcement Office, if there is the wish to continue its use as a short-term rental property.

D. Registration Procedures:

Properties shall be registered on a form provided by the Town of Mayfield and signed by each owner or resident agent of the property being registered. The following documentation shall be provided by the owner or managing agent at the time of registration.

At the time of registration, all absentee Hosts are required to designate a Resident Agent for service of process of a violation of this chapter. If that Resident Agent's residence should be removed from the Town of Mayfield during the yearly registration period, another agent must be designated for the duration of that period. Service of an appearance ticket as defined by New York State Criminal Procedure Law upon said agent shall constitute good and sufficient service as if the Host had been served themselves

within the Town of Mayfield. No Host who designates an agent pursuant to the provisions of this article may utilize a defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated Resident Agent. The failure to provide the name and address of an agent for service of process shall be a violation of this chapter punishable by a fine.

It shall be unlawful for any Host to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a Host as required herein within the time prescribed for such registration.

Subsection 509-5: Enforcement and Penalties:

Penalties for any violation of this section shall be \$250 per day for the first violation, \$500 per day for the second violation, and \$750 per day for the third violation. If any short-term rental properties are found to have repeated violations, the Town of Mayfield Code Enforcement Officer shall have the discretionary authority to suspend or revoke the registration of any short-term rental property where such violations have occurred.

The Code Enforcement Officer of the Town of Mayfield is hereby authorized to issue and serve appearance tickets with respect to violations of this local law.

Subsection 509-6: Fees:

The registration fee for a Short-Term Rental within Zones L1 and L2 is \$250 per year. In all other zones within the Town of Mayfield, the registration fee is \$100 per year.

Subsection 509-7: Repealer:

Any and all local laws (including, but not limited to, Local Law Number 2 of 2019), resolutions, rules and regulations heretofore enacted and/or adopted by the Town of Mayfield pertaining to short-term rental properties are hereby repealed to the extent that they or any of them are inconsistent with this Local Law, it being the intent that this Local Law shall supercede all such local laws, resolutions, rules and regulations.

Subsection 509-8: Effective Date:

In accordance with Town Law and Municipal Home Rule Law, this law shall be effective immediately upon filing with the Office of the New York State Secretary of State. However, this law shall not be enforced or enforceable at any time

prior to January 1, 2023.

(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. 2 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Mayfield was duly passed by the Mayfield Town Board on December 6, 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)(Village) 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)(Village) 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (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.

* 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.)

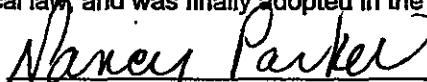
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 6, 2022

(Seal)