

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001
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GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

April 7, 2022

RECEIVED

APR 12 2022

VILLAGE OF WATKINS GLEN

Village Clerk
Village of Watkins Glen
303 N Franklin Street
Watkins Glen NY 14891-1202

RE: Village of Watkins Glen, Local Law 2 2022, filed on March 30 2022

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law Filing

(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.

County City Town Village
(Select one.)



COPY

of Watkins Glen

Local Law No. 2 of the year 2022

A local law to Amend Zoning Local Law #1 of 2022, Short-Term Rental Section 23.17 regarding
(Insert Title)
the application process and to redefine the maximum occupancy.

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

County City Town Village
(Select one.)

of Watkins Glen as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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 Watkins Glen was duly passed by the Board of Trustees on March 15 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*)*

* 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.)

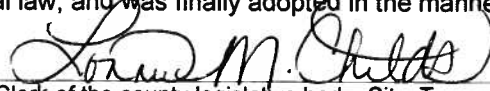
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: 3/21/22

(Seal)

23.17

SHORT-TERM RENTALS (STRS)

- A. Purpose.** The Village of Watkins Glen is proud to be a community that welcomes visitors while maintaining availability of permanent housing stock for residents and a high quality of life. The backbone of our Village is our residential neighborhoods and the overconcentration of STRs may cause disruption to the peace, quiet and enjoyment of people that call Watkins Glen home. In order to respect the property rights and interests of all homeowners and long-term renters in the Village, the following requirements seek to achieve a balance between those who wish to offer their homes and properties as STRs and those who choose not to do so. The STR requirements for the Village are intended to safeguard the public health, safety and welfare by regulating and controlling the location, use, occupancy, oversight, and maintenance of STR properties through location, density, operational, and permitting regulations.
- B. Definition.** A short-term rental (STR) is defined as the use of a property for the rental or lease of any dwelling unit(s), or part(s) thereof, to any person, group, or entity for a period of not more than 30 consecutive nights. Motels, hotels, inns, and bed and breakfasts are excluded from this definition.
- C. Permit Required.**
1. Prior to establishing STR, the operator shall obtain a special use permit in accordance with Article 42 of this Zoning Law, except as otherwise provided in Section 4 hereof. Written consent from the property owner shall be required as part of the special use permit application materials.
 2. A special use permit shall be required for each individual dwelling unit intended to be used for STR purposes, regardless of building or property configuration. For example, a three-family home where all three dwelling units are proposed to operate as STRs shall require the issuance of three separate special use permits.
 3. A special use permit for an STR operation shall be valid for a period of 24 months from the date of issue and must be renewed prior to expiration for the property to continue to be used for such purposes.
 4. Operators that have previously been granted an operating permit for an STR under the Zoning Law in effect at the time of the granting of such permit, or that are seeking renewal of a special use permit for an existing STR under this Zoning Law, shall be entitled to a special use permit for such STR upon application therefore, made in accordance with Article 42 of this Zoning Law, subject only to inspection and approval by the CEO, except that site plan review may be required if exterior building or site changes are proposed.
 5. Applications for an STR that are not renewals or based on an operating permit previously issued, shall be considered on a first-come first-served basis, except any such application submitted in the initial 4-week processing period, to the extent that such applications exceed the number of available STR's, shall be selected at random at the conclusion of the initial 4-week processing period.

6. A special use permit issued for an STR operation is not transferable to a new owner. The new owner of an STR property must file a new application in accordance with the terms of this Section if such property is to continue to be used for STR purposes.
7. No special use permit for an STR operation shall be issued for any owners and/or operators that have had a permit revoked for such use within the last 24 months.
8. STR owners and/or operators found to be operating in violation with this Zoning Law, with or without a permit, shall lose eligibility to apply for a permit for a period of four (4) years from the date of the third violation.
9. No STR operation shall be permitted on any property that is in violation of this Zoning Law or the NYS Building Code.

D. Location & Density Restrictions.

1. STRs may be allowable within Village zoning districts in accordance with Articles 20, 21, and 22 of this Zoning Law, provided all other requirements of this Section are met.
2. To prevent the over-concentration of STRs in the Village, a cap shall be placed on the number of STR permits available.
3. The cap on STR permits shall be established as eight percent (8%) of the total residential units in the Village. The total allowed STR permits will be revised on an annual basis, starting on January 1st of each year to reflect any changes in the total number of residential units.

E. Waiting List in Case of Limited Permits.

The Village shall establish a waiting list for STR permits for instances where the number of applications exceeds that of the number of STR permits allowable.

Applications for STR's that are submitted after the deadline established by the Board in accordance with paragraph 5 of Section C hereof, shall be added to a waiting list in the order in which they are received And shall be considered on a first-come, first-serve basis.

Where an application for a STR is determined to be incomplete by the CEO and/or reviewing board, is withdrawn by the applicant, or is otherwise denied the issuance of a permit, the next applicant on the top of the waiting list shall be provided the opportunity to have their application processed and reviewed.

Where a STR permit is revoked or the applicant allows said permit to expire without securing a new permit under the provisions of this Zoning Law, the next applicant on the top of the waiting list shall be provided the opportunity to have their application for said permit processed and reviewed.

The waiting list for STR permits shall be maintained by the CEO and/or Village Clerk. All applications for such permits shall be dated and timestamped upon receipt by the Village.

The CEO and/or Village Clerk shall notify applicants on the waiting list within 30 days of the opening of an application spot for a STR permit. An applicant that fails to follow through on their submittal within 30 days of notification shall be considered to have withdrawn their application and the next in line shall be notified.

F. Operation Requirements.

Each STR operation shall have a designated 24-hour contact. Such contact shall be an authorized agent of the property owner and/or STR operator and shall be responsible for responding to and remedying any issues, complaints, or other conflicts associated with the STR property. The designated individual must be able to be present at the location of the STR within thirty minutes of notification of any issues, complaints, or conflicts.

No more than two nonresidents of the premises, who are expected to report to the property for work, shall be engaged as an employee of the operation.

Provisions shall be made for weekly garbage and/or recycling removal. Garbage and recycling containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not visible from the street or road except around pick-up time.

The property shall not be rented out solely for the purposes of hosting events, weddings, parties, or other large gatherings.

The use of outdoor speakers or other audio amplification devices shall not be permitted after 10:00PM EST.

G. Maximum Occupancy. In no case shall an STR be permitted to have an occupancy over 10 people per unit.

H. Parking Requirements.

An STR shall provide off street parking in accordance with the requirements Section 30.4 of this Zoning Law, based on the dwelling type of the STR, plus one additional space. For STRs over 4 bedrooms two additional spaces shall be required. STRs in the MU-L and MU-VC Districts shall be exempt from this minimum parking requirement.

Such off-street parking spaces shall conform to the requirements of Section 30.3 of this Zoning Law.

Off-street parking requirements may be waived, in whole or in part, at the Planning Board's discretion.

I. Design and Construction Standards. There shall be no change in the outside appearance of the building or premises that alters or detracts from the residential

character of the structure, where applicable, or the overall character of the neighborhood.

- J. Commercial Use.** STRs are considered commercial uses under this Zoning Law as well as utility billing.
- K. Safety Standards.** All STRs must be in conformance with NYS Building Code, as well as the following:

Emergency evacuation procedures must be posted in each sleeping room.

An ABC Fire extinguisher shall be provided on each floor and in the kitchen. Fire extinguishers shall be inspected monthly by the permit holders.

Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

L. Insurance and Registration Standards.

All applicants and permit holders must provide a "Evidence of Property Insurance" and "Certificate of Liability Insurance" indicating the premises is rated as an STR and maintain such insurance throughout the term of the permit.

In addition to the requirements imposed by this Section, all applicants and permit holders must obtain and maintain all governmental permits and licenses necessary to conduct business as an STR. This shall include filing and registering as a business with Schuylar County for tax purposes. The Certificate of Authority to Collect Occupancy Tax must be posted in the home by the front door.

- M. Application Requirements.** In addition to the application requirements for a special use permit, applications for an STR shall also submit the following:

A list of all the property owners and/or operators of the STR, including names, addresses, telephone numbers, and email addresses. This shall include signatures of all persons and entities with ownership interest in the property.

A list of all full-time residents of the property and proof of notification of intent to apply for a STR permit.

A copy of the current vesting deed showing how title to the subject property is then held.

Written permission for a property inspection by the CEO.

A statement of compliance with the STR standards as defined in this Section, including a commitment to continue to comply.

The maximum desired occupancy by the operator.

Written designation of and contact information for the designated contact person or agent in accordance with Subsection 23.17 (F).

A rental contract in accordance with Subsection 23.17 (N).

Proof of registration as business with Schuyler County, including the issued Certificate of Authority to Collect Occupancy Tax.

A site plan of the property measuring at least 8 ½" X 11", drawn to scale and certified by the applicant. The site plan must include the following:

The location of buildings and required parking.

The location and arrangement of all utilities, rooms including bedrooms, windows, entrances, and exits on each floor of the property including the basement and attic.

N. Rental Contract. All applicants and permit holders must have a rental contract which includes the following policies/statements:

Maximum property occupancy

Maximum on-site parking provided

Good Neighbor Statement, to be provided to all renters, that acknowledges:

The STR is in a residential area in the Village and renters should be conscious of the residents in neighboring homes;

Renters must comply with the Noise Ordinance of the Village of Watkins Glen of as set forth in Local Law # 1 of 2014;

Renters will be subject to New York Penal Law or any successor statute;

Littering is illegal; and

Indoor and/or outdoor fires must be attended at all times.

O. Requirements upon Approval of Permit.

The permit holder shall provide a copy of the permit to the owners of all properties adjacent to the STR property. A statement of compliance with this provision, identifying the owners served, their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Village Clerk.

A sign must be displayed on the front exterior of the building to indicate its use as a STR. The current permit and certificate of occupancy shall also be prominently displayed inside and near the front entrance of the STR.

The permit holder must conspicuously display the permit number in all advertisements for the applicable STR.

P. Compliance and Penalties.

Owners and/or operators of STRs shall obey all applicable laws, ordinances and regulations of the Village of Watkins Glen, Schuyler County, New York State, and the United States, and shall be subject to the enforcement and penalty proceedings contained in the Zoning Law.

In addition to the penalties prescribed in the Zoning Law for the violation thereof, violations of this Section may also be subject to the following:

A fine of up to \$1,000.00 per day per violation;

The attachment of reasonable conditions to the existing permit;

The suspension of the permit; and/or

The revocation of the permit.

Q. Complaints.

Complaints regarding the operation of a short-term transient rental shall be in writing to the Code Enforcement Officer.

A Complaint Review Board shall be established with rotating terms to review and investigate the presence of a violation. The Complaint Review Board shall be comprised of the Code Enforcement Officer, the Police Sargent, and one Village Trustee.

Upon receipt of a complaint of violation, the Complaint Review Board shall investigate to determine the presence of a violation, and upon finding to their satisfaction that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Complaint Review Board. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.

Notices required by this Section shall be issued by the Code Enforcement Officer either by personal service to the property owner and/or the local manager, if applicable, or by certified mail to the address of the property owner and/or local manager as shown on the permit application.

If the landowner does not comply with corrective action by the date given by the Code Enforcement Officer, the Village of Watkins Glen may initiate procedures to revoke the permit, or the Village of Watkins Glen may begin a criminal action against the property owner or pursue any other relief permitted by law.

After three verified complaints and/or violations of this Zoning Law, a STR permit shall be revoked. Appeals may be made to the Zoning Board of Appeals.

The Code Enforcement Officer shall refer to the Village Board any property owners whom they believe to be in violation of this Zoning Law. The Complaint Review Board shall determine whether the permit in question shall be revoked. A revocation of a permit requires a public hearing by the Village Board. The referral to the Village Board may be done in addition to any other penalties permitted by law.

Complaints can further lead to a denial of a renewal permit until the violation is resolved.