

November 8, 2016

LOCAL LAW NO.    OF 2016 OF THE VILLAGE OF SALTAIRE A LOCAL LAW  
CREATING CHAPTER 46 RENTAL LAW OF THE SALTAIRE VILLAGE CODE .

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED  
VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 1.5 Findings
- 2.0 General Provisions
- 2.1 Creation of Chapter 46.
- 3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

- 1.1. Title

This Local Law shall be entitled, "Local Law No.    of 2016: A Local Law  
Creating Chapter 46 Rental Law of the Saltaire Village Code”.

- 1.2 Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village  
Code of the Incorporated Village of Saltaire, the Incorporated Village of Saltaire, County  
of Suffolk and State of New York, hereby enacts by this Local Law No.    of 2016, a Local  
Law of the Incorporated Village of Saltaire.

- 1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the  
Secretary of State of New York, which shall be within twenty (20) days after its approval  
by the Board of Trustees of the Incorporated Village of Saltaire.

- 1.4. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to adopt regulations regarding the rental of residential properties in the Village of Saltaire in order to protect the health and safety of the residents of the Village and their guests and families as well as the buildings and structures and other property in the Village of Saltaire.

2.0 General Provisions.

2.1 Creation of Chapter 46 Rental Law of the Village of Saltaire.

Chapter 46; Rental Law of the Saltaire Village Code is hereby adopted to read as follows:

§ 46-1 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, and the definitions below shall in all cases otherwise conform with the Uniform Building and Fire Prevention Code and the New York State Supplements as in effect in the State of New York

**ADMINISTRATOR;** The administrator of this Chapter. The administrator shall be appointed by the Mayor and approved by the Board of Trustees, or in lieu thereof, the Village Building Inspector shall serve as the administrator.

**CONVENTIONAL BEDROOM;** A room designed as a bedroom for sleeping purposes. Rooms having other purposes, such as dens, family rooms, kitchens, living rooms, or hallways, shall not be considered as conventional bedrooms and shall not be used for sleeping purposes.

**ONE-FAMILY DWELLING;** A building used for residential purposes and arranged, intended or required by Chapter 55, Zoning, of the Code of the Village of Saltaire to have one dwelling unit and to be used for the occupancy of not more than one family, as defined in that chapter, and any legal nonconforming structure.

**OWNER;** The fee owner of a property, an officer, director, member, manager, partner of the entity owning a property, or the person responsible for the management and or control of a property.

**RENTAL;** Use and occupancy of a one-family dwelling and any associated accessory structures for residential purposes under an oral or written lease or agreement for a term of less than one year, for which compensation is paid directly or indirectly.

**RENTAL FORM;** A form to be submitted to the Village by the owner of a property that is renting the property.

**TENANCY;** The tenancy created by a rental agreement.

§ 46-2 Evidence of use and occupancy.

- A. Where a one-family dwelling is utilized as a rental:

Where an owner of a premises or a tenant who has the right to occupy or use a dwelling or premises under an oral or written agreement for a term of one year or more grants the right to use or occupy all or part of a one-family dwelling for residential purposes to any person for a term that is for a period that is less one year for which compensation or consideration is paid or given directly or indirectly, such use or occupancy of such dwelling under such agreement constitutes a rental within the meaning of this Chapter, and such use or occupancy of such dwelling is prohibited unless a Rental Form has been filed with the Village Clerk of the Village of Saltaire in accordance with the provisions of this Chapter.

§ 46-3 Restrictions on use and occupancy.

- A. The term of each rental must be for a period of at least two weeks.
- B. There shall be no more than three rentals of a property in the same calendar year.
- C. During the term of a rental a premises can only be occupied by the tenant and the tenant's family or one other unrelated person that are named in the Rental Form.
- D. Occupancy and use of the premises during the rental term must be in compliance with the Uniform Building and Fire Prevention Code, and the Saltaire Village Code and any other applicable codes, including but not limited to the limits on occupancy and use of rooms for sleeping.
- E. A valid Rental Form must be filed with the Village of Saltaire prior to the commencement of each rental term. An incomplete or incorrect Rental Form may not be accepted by the Village of Saltaire and the Village of Saltaire shall respond in a timely manner as to any issues or questions regarding a filed Rental Form.
- F. The rental of less than an entire premises is prohibited, and a tenant is prohibited from subleasing or otherwise licensing the use or occupancy of the premises or any portion thereof.
- G. The advertising, selling, assigning or subleasing of shares by an owner, tenant, occupant, broker, or any other person for the use or occupancy for all or a portion of the term of a rental agreement or for all or a portion of the leased premises or for any purpose that is in violation of this Chapter is prohibited.
- H. The owner and the tenant are both responsible for the compliance of the premises and its use with State and local laws, and violations of this article and any other applicable laws may be issued against either or both the owner and the tenant, at the discretion of the Village of Saltaire, and the owner and the tenant shall be responsible for compliance with this article.

§ 46-4 Rental Form

A. Rental Form shall be filed with the Village Clerk of the Village of Saltaire prior to commencement of the term of any rental. The Rental Form shall be signed and verified by an owner of the premises.

B. The Rental Form shall contain the (1) the names, contact numbers, and permanent residence addresses of all adult owners of the premises; (2) the address and Suffolk County Tax Map number of the premises; (3) the names, contact numbers, and permanent residence addresses of all tenants and all adult persons that are reasonably expected to occupy the premises; and (4) such other reasonable information as determined by the Administrator.

C It shall be a violation of this Chapter for an owner to falsify or fail to provide any information required in the Rental Form.

D. The Rental Form shall contain a statement by the owner, under oath, that the premises contains working smoke detectors and carbon monoxide detectors as required by the Uniform Building and Fire Prevention Code, and any violation of the requirement for a detector under the Uniform Building Code shall also be a violation of this Chapter.

§ 46-5 Enforcement.

This article shall be enforced by the Public Safety Officers of the Village of Saltaire.

§ 46-6 Penalties for offenses.

A. A first violation of this article by any individual or entity shall be punishable by a fine not to exceed \$2,500.

B. A second violation of this article by any individual or entity shall be punishable by a fine not to exceed \$3,500.

C. A third violation of this article by any individual or entity and every violation thereafter shall be punishable by a fine not to exceed \$5,000.

D. Each and every day that a violation of this article by any individual or entity exists shall constitute a separate and new violation of this article.

E. The owner, manager, person responsible for the maintenance and control of the premises, the tenant, and the illegal sublessee or assignee, or other user or occupant of the premises under a transaction that is prohibited by this Chapter or in violation of this Chapter shall each and all be in violation of this Chapter and subject individually to the fines and penalties hereunder.

F. The advertisement on social media or any other form or media of a rental of a

dwelling or any part thereof in violation of this Chapter 40 shall be a separate violation of this Chapter.

G. The election by the Village of Saltaire to issue a violation or to prosecute a violation of this article in the Saltaire Village Court shall not be exclusive and shall not preclude the Village of Saltaire from pursuing a civil remedy in a particular case.

H. The Village of Saltaire may, at the election of the Board of Trustees, commence a civil proceeding, including but not limited to an application for injunctive or other relief to enjoin, stop or prevent a violation of this article. In the event that the Village of Saltaire should elect or should be required to commence a civil proceeding against an owner, tenant, sublessor, sublessee, assignor, assignee, or occupant or user of a premises, or a premises under this article, such election shall not be an exclusive remedy, and the Village of Saltaire may continue to pursue other enforcement actions and remedies, and the owner and tenant as defendants or other defendants shall be liable to the Village of Saltaire for all legal and other costs incurred, which shall be recoverable by the Village of Saltaire as a money judgment in that proceeding or in another proceeding commenced by the Village of Saltaire for that purpose

### 3.0 Severability and Validity

3.1 In the event that any portion or section of this Local Law may be determined to be invalid, the remaining portions and sections of this Local Law shall remain in full force and effect.