

LOCAL LAW NO.: 1 OF 2023

**A LOCAL LAW TO AMEND THE VILLAGE OF LAKE PLACID/TOWN OF
NORTH ELBA LAND USE CODE**

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NORTH
ELBA AS FOLLOWS:***

SECTION 1. Land Use Code Section 2 is hereby amended to remove “Rooming/Boarding House” and “Bed/Breakfast” as conditional uses in all Planning Districts.

SECTION 2. Section 10.2 of the Land Use Code “Definitions” is hereby amended as follows:

The following definition is hereby added:

CHANGE IN OWNERSHIP: A transfer of ownership whether by deed, by membership interest in the case of a limited liability company, by partnership interest in the case of a partnership, or by shareholder interest in the case of a corporation. Neither the death of an owner leaving a surviving joint tenant(s) with right of survivorship or tenant by the entirety, nor real property conveyances between spouses, nor real property conveyances, without consideration, from individuals to an entity of which the transferors are principals shall constitute changes in ownership for purposes of the Land Use Code.

The definition of "Hotel/Motel" is hereby deleted and replaced with the following:

HOTEL/MOTEL: A commercial establishment building or group of buildings where overnight transient guests are lodged for remuneration designed primarily to accommodate the traveling public and having a minimum of five rental units. A hotel/motel may include additional ancillary services such as restaurants, meeting rooms, recreational facilities and laundry services.

The following definition is hereby added:

RENTAL: Granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

"Rooming/Boarding House" and **"Bed/Breakfast"** are hereby deleted as defined terms in their entirety.

The definition of "Short-Term Rental" is hereby deleted and replaced with the following:

SHORT-TERM RENTAL (STR): Rental of any dwelling unit, in whole or part, to any person, persons or entity for a period of less than 30 consecutive nights including any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, accessory dwelling unit or accessory dwelling (see definition of Accessory Dwelling or Accessory

Dwelling Unit). Neither timeshare units, hotels, motels, bed and breakfast establishments and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered to be a short-term rental for purposes of the Land Use Code.

The definition of "Occupant" is hereby deleted and replaced with the following:

OCCUPANT: Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m.

The following definition is hereby added:

HOSTED SHORT-TERM RENTAL: A short-term rental property at which an owner of the property resides for at least 184 days per calendar year, that is the primary residence of an owner and at which an owner stays overnight during the entire term of each short-term rental of the property.

SECTION 3. Land Use Code Section 11 shall be repealed and replaced with the following

SECTION 11 SHORT-TERM RENTALS

11.1 PURPOSE

- A.** The purpose of this Local Law is to amend the Village of Lake Placid/Town of North Elba Land Use Code to regulate the short-term rental of dwelling units within the Village of Lake Placid and Town of North Elba and to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of short-term rental properties. The Village of Lake Placid and Town

of North Elba also recognize that the historical nature of the community has been that of a small, residential resort community of owner-occupied dwellings and that extensive short-term rentals endanger the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Village of Lake Placid and Town of North Elba, this Local Law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.

- B.** This Section shall apply to all properties in all districts within the Village of Lake Placid and Town of North Elba excluding the area of the Town of North Elba located within the Village of Saranac Lake.
- C.** The Village of Lake Placid and the Town of North Elba reserve the right to adopt regulations by Resolution to carry out the provisions and purposes of this Section.

11.2 SHORT-TERM RENTAL PERMITS

- A.** Permit Required. An owner shall obtain a revocable short-term rental permit prior to and whenever a dwelling unit is to be used for short-term rental purposes.

1. No property may be used as a short-term rental without a short-term rental permit.
2. A short-term rental permit shall be valid for one year from the date of issue and must be renewed upon expiration as long as the unit is used as a short-term rental. The renewal application requirements shall be the same as the initial application requirements.

3. The short-term rental permit is not transferable in the event of a change of ownership of a short-term rental property.
4. There shall be only one short-term rental permit issued per property. If a property has more than one dwelling unit, the permit issued shall be limited for one dwelling unit only. Properties in the Gateway Corridor Planning District with road frontage on Cascade Road, Wilmington Road, Saranac Avenue, Old Military Road and Route 86 shall be exempt from this limitation. Properties within the Village of Lake Placid in Village Center, and Gateway Corridor and Main Street from #1 Main Street Park (Brewster Park) to #2693 Main Street (Town Hall) may have more than one short-term rental permit per property provided that for properties with three or more units for every two (2) short-term rental units, the property shall have one (1) long-term rental unit.
5. Violation of any provisions of a short-term rental permit or these regulations or those subsequently adopted may result in revocation of the short-term rental permit and the owner shall be subject to the penalties provided in Section 9 of the Village of Lake Placid/Town of North Elba Land Use Code, as well as the penalties set forth in this Section 11.
6. No permit shall be issued or re-issued unless and until: (i) the property complies with the Village of Lake Placid/Town of North Elba Land Use Code, specifically including the terms of this Section 11, the New York State Building Code and any other municipal code which may be applicable to the property and its use as a short-term rental; (ii) the Enforcement Officer receives the septic

system inspection report required by subdivision (B)(4) of this subsection, if applicable; and (iii) payment of the permit fee.

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

B. Short-Term Rental Permit Application Requirements. An application for issuance or renewal of a short-term rental permit shall be submitted to the Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the annual permit fee in an amount to be set by Resolution of the Village Board and the Town Board, accompanied by a copy of the current vesting deed showing how title to the subject property is held, completed on the form provided and established by the Enforcement Officer, and shall at a minimum provide the following information:

1. A list of all of the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses. If owned by a limited liability company, a partnership, a corporation or other entity the names, addresses, telephone numbers and email addresses of the members, partners, shareholders, officers and principals of such entities.
2. Completion of a signed and notarized Affidavit by the property owner(s) certifying the following:
 - a. Compliance with the following standards:

- (i) There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.
 - (ii) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - (iii) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - (iv) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.
 - (v) Each bedroom shall be in compliance with the New York State Building Code.
- b. A statement of the number of bedrooms within the short-term rental property that meet the standards set forth herein.
 - c. A statement of the number of parking spaces on the property that meet the standards set forth herein.
 - d. A statement that the applicant has met and will continue to comply with the standards set forth in this Section 11 of the Land Use Code.
 - e. Affidavit certifications shall be valid during the term of the short-term rental permit. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new Affidavit certification shall be submitted.

f. The form of the affidavit certification shall be established by the Enforcement Officer.

3. A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field may be required at the discretion of the Enforcement Officer.

4. If the property is served by a private septic system, a septic inspection report issued and dated within two (2) years before the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. The maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area. A system failure will require a new passing inspection report.

5. The name, address, telephone number and email address of an owner or a contact person authorized to act on the owner's behalf, who shall be available to promptly remedy any violation of this Section 11 or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person. This contact person must be located within sixty (60) minutes distance by car and must be available 24 hours per day, 7 days a week.

C. Procedure Upon Filing Application.

1. Upon filing with the Enforcement Officer the permit application, permit fee, and all documents and information required by this Section, the Enforcement Officer shall have thirty (30) days to review the application and either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reasons for denial.
2. In reviewing the application, the Enforcement Officer shall have the right to inspect the short-term rental property for purposes of ensuring compliance with this Section after obtaining the express consent of the property owner or the contact person designated by the property owner, for such limited inspection purposes.
3. In issuing a short-term rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to the use of the property for short-term rental so long as such conditions and restrictions are consistent with the requirements of the Village of Lake Placid/Town of North Elba Land Use Code, including this Section, and are imposed for the purpose of minimizing any adverse impact the short-term rental could have on the neighborhood or community.
4. The Enforcement Officer may deny an application for any of the following reasons:
 - a. If the application is incomplete, the information required by this Section or regulations adopted by the Village of Lake Placid and/or Town of

North Elba was not included with the application or the full permit fee, in acceptable form of payment, was not included with the application.

- b. If the Enforcement Officer previously issued a short-term rental permit to any of the owners of the property and any of such owners had a short-term rental permit revoked within the previous year.
 - c. If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this Section evidences that the subject property is not in compliance with this Section or the Village of Lake Placid/Town of North Elba Land Use Code.
 - d. If the site plan required to be submitted with the application does not comply with the requirements of this Section.
 - e. If a private septic inspection report is required to be submitted with the application such report does not comply with the requirements of this Section or the Village of Lake Placid/Town of North Elba Land Use Code.
 - f. If access is not granted to the property for purposes of an inspection.
5. Short-term rental permits issued pursuant to this Section shall state the following:
- a. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and the primary contact person who shall be available to respond within 60 minutes to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented;

- b. The maximum occupancy and vehicle limits for the short-term rental unit;
- c. Identification of the number of and location of parking spaces available;
- d. A statement that littering is illegal;
- e. A statement that all fires must be attended and that any outdoor fire located within the limits of the Village of Lake Placid must be extinguished no later than 9:30 p.m.
- f. A statement that renters must comply with and be provided with a copy of the Noise Ordinances of the Village of Lake Placid and the Town of North Elba, which set strict limits on noise levels between 9:00 p.m. and 7:00 a.m. in the Town of North Elba outside of the Village of Lake Placid and between 9:30 p.m. and 7:00 a.m. in the Village of Lake Placid, which Ordinances will be enforced by the Enforcement Officer, Essex County Sheriff's Department, New York State Police, or any law enforcement agency properly exercising jurisdiction over the short-term rental property or incident;
- g. A statement that Local Law prohibits private displays of fireworks;
- h. Any conditions imposed by the Enforcement Officer;
- i. The short-term rental permit expiration date; and
- j. A statement that the short-term rental permit may be revoked for violations.

D. Display of Permit and Notification.

The following standards must be met and followed for all short-term rentals. The number of bedrooms set forth in the Town of North Elba's assessment records shall be used for purposes of this section.

A. Occupancy Requirements.

1. The maximum number of occupants (as defined at Section 10.2) for each short-term rental unit shall be the most restrictive of the following:

a. Two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (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

b. For a studio apartment, two (2) occupants for the first 220 sq. ft. with one (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

c. Maximum capacity of the septic system for properties serviced by a septic system.

2. The maximum number of people allowed at a short-term rental from 6:00 a.m. through 10:00 p.m. shall be no more than twice the number of overnight occupants allowed pursuant to Section 11.3(A)(1) above.

B. Required Off-Street Parking.

1. The number of vehicles permitted overnight is limited to one (1) vehicle per bedroom.
2. Required off-street automobile parking spaces shall be equal to the maximum number of motor vehicles permitted except on Main Street from 2693 Main Street (Town Hall) to One Main Street. In the section of Main Street from 2693 Main Street to One Main Street, the applicant must demonstrate that they have off-street parking meeting the standards of this Local Law. Spaces within a home garage shall not be counted as parking spaces unless the garage is actually used for and available for parking and each space meets the standards in subdivision 3 below.
3. A parking space shall have a minimum of 180 square feet in a rectangular configuration of at least 9 feet by 20 feet.
4. Tenants and guests shall park in the off-street parking spaces required by this section and shall not park on any part of the lawn of the property or on the public or private street.

C. A house number visible from the street or road shall be maintained.

D. Provisions shall be made for at least weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except when awaiting pick-up.

- E.** There shall be no campers located on the short-term rental property nor shall there be any overnight camping in tents or otherwise used in conjunction with short-term rentals to provide additional sleeping areas.
- F.** Outside of the Village of Lake Placid, weddings, corporate events, commercial functions, and any other similar type of outdoor events must end by 10:00 p.m. All such events are subject to applicable Noise Ordinances. Weddings, corporate events and commercial functions are not allowed at short-term rentals in the Village of Lake Placid.
- G.** Online listings and advertisements for a short-term rental must conform to what is allowed under these regulations and the short-term rental permit and shall clearly and prominently display the short-term rental permit number.
- H.** The allowable number of vehicles on a short-term rental property shall be clearly and prominently displayed in all online listings or advertisements for short-term rentals.
- I.** All online listings and advertisements for short-term rentals must include a link to the online “Good Neighbor Guidelines” maintained by the Village and Town.
- J.** Owners of a short-term rental shall have a short-term rental agreement with every renter, whether written or oral, which contains a provision whereby the owner or owner's representative shall terminate the rental in the event the short-term rental permit is suspended or revoked at least one full week prior to the commencement of the rental term.
- K.** There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire

extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.

- L. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- M. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
- N. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.
- O. Each bedroom shall be in compliance with the New York State Building Code.

11.4 SHORT-TERM RENTAL PERMITS IN THE TOWN OF NORTH ELBA OUTSIDE THE LIMITS OF THE VILLAGE OF LAKE PLACID

- A. The following three types of short-term rentals shall be permitted in the Town of North Elba outside the limits of the Village of Lake Placid upon issuance of the applicable short-term rental permit and subject to the limitations set forth herein:

1. Lodging Short-Term Rental

- a. Short-Term Rental Lodging Permits shall be limited to the following Planning Districts, areas and properties:

- (i) Properties in the Whiteface Inn Planned Development District, contingent upon written documentation demonstrating that the property is 1) subject to covenants, restrictions, rules and/or regulations of a homeowners association or 2) managed and maintained by the Whiteface Club and Resort, LLC, its successors

or assigns (collectively “WFCR”), pursuant to a written agreement between the property owner and WFCR.

- (ii) Properties in the Old Military Road Corridor District that have road frontage on Old Military Road;
- (iii) Properties within the Gateway Corridor District that have road frontage on Cascade Road, Wilmington Road, Saranac Avenue, Old Military Road and NY Route 86; and
- (iv) Condominiums and Townhomes that are subject to covenants, restrictions, rules and/or regulations of a condominium association or homeowners association.

- b. There shall be no limit on the total number of Short-Term Rental Lodging Permits that may be issued by the Town.
- c. There shall be no distinction between hosted and un-hosted short-term rentals for properties eligible for “Lodging Short-Term Rental Permits”.

2. Un-hosted Short-Term Rental

- a. Un-hosted Short-Term Rental Permits shall be limited to the following Planning Districts, areas and properties:
 - (i) Rural Countryside District;
 - (ii) North Lake Residential District;
 - (iii) South Lake Residential District;
 - (iv) Properties in the Old Military Road Corridor District without road frontage on Old Military Road;

- (v) Properties within the Gateway Corridor District without road frontage on Cascade Road, Wilmington Road, Saranac Avenue, Old Military Road or NY Route 86;
 - (v) Properties within the Whiteface Inn Planned Development District that are not either 1) subject to covenants, restrictions, rules and/or regulations of a homeowners association or 2) managed and maintained by the Whiteface Club and Resort, LLC ("WFCR"), its successors or assigns, pursuant to a written agreement between the property owner and WFCR; and
 - (vi) Condominiums and Townhomes that are not subject to covenants, restrictions, rules and/or regulations of a condominium association or homeowners association.
- b. There shall be a limit of 165 Un-hosted Short-Term Rental Permits issued by the Town of North Elba.
 - c. Un-hosted Short-Term Rentals must be rented for short-term rental purposes for a minimum of 14 days per calendar year.

3. Hosted Short-Term Rental

- a. Hosted Short Term Rentals as defined in Land Use Code Section 2 shall be permitted in all Planning Districts.
- b. Hosted Short-Term Rentals must be rented for short-term rental purposes for a minimum of 14 days per calendar year.
- c. There shall be a limit of 48 Hosted Short-Term Rental Permits issued by the Town of North Elba.

1. To be placed on the Un-hosted Waitlist, the property must be located in a Planning District or area in which Un-Hosted Short Term Rentals are permitted under this Section.
 2. Only a current owner of record for an eligible property may be placed on a waitlist and sale of a subject property will result in its automatic removal from the waitlist.
 3. An email waitlist application must be sent to STRcompliance@northelba.org and contain a completed Short-Term Rental Waitlist Form (available on the Town of North Elba webpage), the owner's name, mailing address, property address, phone number, email address, and a copy of the most recent deed as proof of ownership. All information must be contained in one email to be valid and the subject line must read either "HOSTED STR permit waitlist" or "UN-HOSTED STR permit waitlist". Waitlisted properties will be eligible for consideration for short-term rental permits in chronological order of receipt of complete and accurate submission of the email required by this Section.
 4. A short-term rental permit application must be completed and submitted within 14 calendar days upon being notified that an owner can apply for a permit. Failure to do so will forfeit a property owner's position on the waitlist.
 5. The terms and management of the waitlists shall be established and modified from time-to-time by Resolution of the Town Board.
- F. The total number of Lodging Short-Term Rental Permits, Un-hosted Short-Term Rental Permits and/or Hosted Short-Term Rental Permits that may be issued

pursuant to this subsection 11.4 may be amended by Resolution of the Town Board.

- G. To the extent that this subsection 11.4 conflicts with other provisions of this Section 11, subsection 11.4 shall be controlling for short-term rentals outside of the limits of the Village of Lake Placid.

11.5 SHORT-TERM RENTAL PERMITS IN THE VILLAGE OF LAKE PLACID

- A. The following types of permits for short term rentals shall be permitted in the Village of Lake Placid, upon issuance of the applicable short term rental permit and the limitations set forth herein:
1. **Village Un-hosted Short-Term Rental:** Property located within the Village of Lake Placid in which is not a Hosted Short Term Rental as that is defined in this local law . Unhosted short-term rentals are prohibited in Town Residential and Village Residential zoning districts.. The maximum number of days per calendar year that Village Unhosted Short-Term Rental property can used for rental is ninety (90) days.
 2. **Lodging Short-Term Rental:** A short-term rental located in the Village of Lake Placid within the following designated districts or under the following conditions: Placid Gold LLC PD, Crowne Plaza Resort PD, Mirror Lake Inn Resort PD, or within existing condominium and town home developments in which the property is part of an active homeowner's or condominium association, or properties located in the Gateway Corridor , Village Center or Old Military Corridor . Village Center and Gateway Corridor properties may have more than one permit per property. Within the Village of Lake Placid, Village Center and Gateway Corridor properties that have (3) three

or more units: for every two (2) short-term rental units, the property shall have (1) one long-term rental. Example: If a property has five (5) units, at least two (2) units shall be long-term rental units. There is no limit on the number of days per year that a Lodging Short term Rental may be rented per calendar year.

3. **Main Street Short-Term Rental:** a short-term rental located in the Village of Lake Placid, from #1 Main Street (Brewster Park) to #2693 Main Street (Town Hall). The use of street level street-front space as a short-term rental is prohibited. Street level street-front space must be utilized as a commercial business. Properties that have (3) three or more units: for every two (2) short-term rental units, the property shall have (1) one long-term rental. Example: If a property has five (5) units, at least two (2) units shall be long-term rental units. There is no limit on the number of days that a Main Street Short -Term Rental may be rented per calendar year.
4. **Hosted Short Term Rental :** A short-term rental property in the Village of Lake Placid at which an owner of the property resides for at least 184 days per calendar year, that is the primary residence of an owner and at which an owner stays overnight during the entire term of each short-term rental of the property. There is no limit on the number of days per calendar year that a permitted Hosted Short Term Rental in the Village may be rented.

- B. Owners of property with existing Un-hosted STR permits for property in Village Residential and Town Residential Districts are allowed to renew their permits until there is a Change in Ownership as that is defined in this Local Law.

11.6 COMPLAINTS AND VIOLATIONS. Owners, operators, managers, marketers and renters of short-term rental units shall obey all applicable Federal, State and Local Laws, including but not limited to those of the Town of North Elba and Village of Lake Placid, and shall be subject to the enforcement and penalty provisions contained in the Village of Lake Placid/Town of North Elba Land Use Code and any other State or local law.

The following process shall be followed in the event of a complaint alleging a violation of this Land Use Code Section 11 or a permit issued hereunder:

- A. The complaining party may contact a law enforcement agency or the designated short-term rental complaint online portal and hotline phone number as published on the Town of North Elba webpage, and describe the problem from which the complaint arises.
- B. Any property owner or contact person of a short-term rental shall, within sixty minutes of receiving any complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is in violation of this law or the short-term rental permit for the property.
- C. If the response is not satisfactory to the complaining party, the complaining party may file a written complaint with the Enforcement Officer. The form of the complaint shall be established by the Enforcement Officer and may be filed in person, by

mail, by email or online. The complaint shall provide pertinent information including the date, time and nature of the alleged violation.

- D. If the Enforcement Officer finds a violation of the permit or of this Section 11, the Enforcement Officer may, but is not required to, do any of the following depending on the circumstances:
1. Attach reasonable conditions to the existing short-term rental permit;
 2. Issue a warning or violation;
 3. Suspend the short-term rental permit; or
 4. Revoke the short-term rental permit.
- E. Revoke the short-term rental permit. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
- F. The Enforcement Officer, the Village of Lake Placid or the Town of North Elba may also initiate enforcement proceedings under the Village of Lake Placid/Town of North Elba Land Use Code at any time following receipt of a complaint or discovery of a violation.
- G. Decisions of the Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant in accordance with Section 11.7.
- H. The Enforcement Officer or her/his designee shall have the right to inspect the short-term rental property to ensure the situation complained of has been remedied and that it complies with the provisions of this Section, but only after obtaining the

express consent of the property owner or the contact person designated by the property owner for such limited inspection purposes.

11.7 APPEALS PROCESS APPLICABLE TO SECTION 11

11.7.1 STR APPEALS BOARD

- A. The STR Appeals Board shall be appointed by Joint Resolution of the Lake Placid Village Board and the North Elba Town Board to carry out the duties hereinafter prescribed.
- B. The STR Appeals Board shall consist of five members, including the Chairman. The STR Appeals Board shall consist of a minimum of one member who resides within the corporate limits of the Village of Lake Placid, and a minimum of one member who resides within the Town of North Elba outside the corporate limits of the Village of Lake Placid.
- C. The STR Appeals Board members first appointed shall serve staggered terms in the same manner as provided in Section 9.2 C. The successors to the original appointees shall be appointed for terms of five years, after the expiration of the respective terms of the members first appointed.
- D. Appeals arising under Section 11 shall be governed by Section 11.7 and not Section 8.3. Decisions and determinations made by the Enforcement Officer under Section 11 shall be made in writing and provided to the owner and complainant, if any. Said decision/determination may be appealed to the STR Appeals Board within thirty (30) days of receipt of the decision. The decision/determination appealed from shall not be stayed unless the STR Appeals Board agrees to grant appellant

a stay upon his/her/its application for such stay. The STR Appeals Board shall have all the powers and duties prescribed by this Code and may reverse, affirm, or modify wholly or partly any order, requirement, decision or determination as in its opinion ought to be made.

11.7.2 STR APPEALS BOARD GENERAL PROCEDURES

- A. The general procedures for the STR Appeals Board shall be the same as the general procedures for the Review Board and the Board of Appeals set forth in Section 9.3.1 of this Code.
- B. An owner, complainant or other party who wishes to appeal the decision or determination made by the Enforcement Officer shall make a written request for a hearing to the Town Clerk or the Village Clerk as applicable and the STR Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing the tribunal shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Appeals Board shall make its decision within 10 days of the hearing.

11.8 PENALTIES FOR OFFENSES

- A. Any person, association, firm, company, corporation or entity which violates any provision of this section or assists in the violation of any provision of this section or owns or operates a property at which a violation occurs, shall be subject to the following criminal or civil penalties:

1. By a fine or civil penalty of not less than \$1000.00 for a first violation.
 2. By a fine or civil penalty of not less than \$2,000.00 for a second violation, both of which were committed within a period of five (5) years.
 3. By a fine or civil penalty of not less than \$3,000.00 for a third violation, all of which were committed within a period of five (5) years.
 4. Each week's continued violation constitutes a separate additional violation.
- B. The Enforcement Officer may bring a criminal or civil proceeding in Town or Village Court for enforcement of this Section.
- C. The Town of North Elba or the Village of Lake Placid may seek injunctive relief, civil penalties and any other relief available to enforce the provisions of this Section through commencement of an action in the New York State Supreme Court. Such action must be authorized by a Resolution of the Town Board or Village Board. As part of such action, the Town of North Elba or Village of Lake Placid may seek and obtain an Order from the Court requiring the defendant to reimburse the Town or Village for its legal fees, costs and attorneys' fees related to the action.
- D. Violations of any provision of this Section 11 or a permit issued hereunder may be remedied or enforced pursuant to this Section 11 or Land Use code Section 9. Enforcement remedies available are not exclusive and may be sought cumulatively.

SECTION 4. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

SECTION 5. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 6. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law §27.