

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Shoreham will hold a public hearing on the 12th day of December, 2017, at 7:30 P.M., at the Village Hall, 80 Woodville Road, Shoreham, New York, to consider the adoption of a local law as follows:

LOCAL LAW NO. ____ OF 2017

**A LOCAL LAW ENTITLED
NEIGHBORHOOD PRESERVATION**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to control the maintenance and use of, single-family dwellings.

SECTION 2. ENACTMENT.

A Chapter [__] of the Village Code entitled **Neighborhood Preservation** is enacted, as follows:

§ [] . **Legislative Intent.**

A. Purpose. The purpose of this Chapter [__] is to preserve residential neighborhoods, prevent neighborhood blight, protect residential property values, encourage residential property maintenance and enhance the quality and character of residential neighborhoods.

B. Application. This Chapter [__] shall apply to all single-family dwelling units within the Village. When a single-family dwelling becomes a non-owner occupied, single-family dwelling, it

must be registered with the Village Clerk. In the best interests of Village residents, the Village Board seeks to ensure that non-owner occupied rented single-family dwellings are properly maintained and do not violate the New York State Uniform Fire Prevention or the Village Code. The Village Board seeks further to ensure those Village residents renting a single-family dwelling are not subject to sub-standard living conditions, are familiar with the Village Code, and use of Village facilities, and are known by Code Enforcement Officers as, in fact, being Village residents.

C. Governance. The Village Board finds that in regard to residents that occupy non-owner residences, current Village Code provisions are inadequate to maintain the good order and governance of the Village and enactment of the regulations set forth in this Chapter [] will preserve good order and governance and promote public health, safety and welfare.

§ [] **Definitions.**

As used in this Chapter [], the following defined terms shall have the meanings indicated:

(1) **Code Enforcement Officer** – the Building Commissioner or Building Inspector as so designated by the Village Board.

(2) **dwelling unit** – a single-family dwelling in the Village occupied by one (1) or more persons as a home or residence.

(3) **immediate family** – the immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren, siblings, uncles, aunts, nieces, nephews, cousins and in-laws.

(4) **owner** – any person, partnership, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or other lending institution, regardless of how such possession, title or control was obtained.

(5) **rent** – a return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value), for use and occupancy, or the right of use and occupancy, of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

(6) **rental dwelling** – a single-family dwelling unit that is non-owner occupied and used or maintained for rental occupancy.

(7) **rental occupancy** – the occupancy or use of a single-family dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

(8) **rental permit** – a permit, issued upon application to a Code Enforcement Officer valid for the period expiring twenty-four (24) months following the date of issuance.

§ [] **Neighborhood Preservation Requirements.**

All properties, shall be maintained as follows:

(1) Yards shall be kept clean and free of physical hazards and debris.

(2) All lawns and recreation areas shall be maintained in a clean and neat condition, and grass shall be cut periodically to restrict growth in excess of 6 inches in total height. The property shall be maintained in compliance with Chapter 19 of the Village Code. No portion of a property or lawn thereon shall be damaged or destroyed by overuse or by the parking or driving of motor vehicles on an established lawn area. Except as permitted under Chapter 18 of the Village Code, no portion of a yard shall be used for the parking, placement or storage of motor vehicles. No trailers, boats or campers shall be stored thereon, except in compliance with said Chapter 18.

(3) Steps, walks, driveways, parking areas and other paved areas shall be maintained in good repair.

(4) Exterior surfaces of any and all dwellings, structures and accessory structures, including but not limited to fences that are not inherently resistant to deterioration, shall be periodically treated with a protective coating of paint or other suitable preservative. All surfaces shall be maintained free of deterioration, including but not limited to broken or missing glass, loose or missing shingles or siding, crumbling brick, stone and mortar and peeling, scaling, deteriorated paint or mold.

(5) Dwellings, structures and accessory structures shall be maintained so as to be free of conditions detrimental to safety or health, including mold.

(6) Dwellings, structures, accessory structures and property shall be maintained free of vermin, rodent harborage and infestation. Methods used for exterminating vermin and rodents shall conform to Suffolk County Health Department standards.

(7) Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse and sewage pursuant to Suffolk County Health Department standards.

(8) storm water shall be appropriately drained to protect buildings and structures and to prevent the accumulation of water. Gutters, culverts, catch basins, drain outlets, or other satisfactory drainage systems shall be utilized to prevent damage to any portion of the subject or adjacent properties or any improvements thereupon.

(9) Floors, walls, ceilings and fixtures in residential dwellings shall be maintained in a clean and sanitary condition.

(10) Dwellings, structures and accessory structures shall be free of partitions or locked internal doors barring access between segregated portions of the building or dwelling unit **[discuss]**.

(11) No bedroom or sleeping quarters shall have interior key locks or dead bolt locked doors servicing said bedroom or sleeping quarters.

(12) No bedroom shall constitute the only means of access of other bedrooms or habitable spaces, and bedrooms shall not serve as the only means of egress from other habitable spaces.

(13) Carbon monoxide alarms and detectors shall be installed on every habitable floor of any dwelling, structure or accessory structure with a carbon monoxide source, in accordance with the New York State Uniform Fire Prevention and Building Code.

(14) Smoke alarms and detectors shall be installed in accordance with the New York State Uniform Fire Prevention and Building Code and the Village Code.

(15) The dwelling unit and property shall comply in all respects with the New York State Uniform Fire Prevention and Building Code and the Village Code.

(16) No owner shall rent a single-family dwelling unit to unrelated individuals excepting one or more persons constituting a family as defined at Village Code § 31-10 instead.

(17) No owner shall rent "rooms" to unrelated individuals in a single-family dwelling.

(18) No owner shall rent a single-family dwelling by the day or week or in any other manner that is inconsistent with the Village Code.

(19) Residential occupancy of a detached accessory structure without a certificate of occupancy allowing residential use is prohibited.

(20) Any detached accessory structure with a certificate of occupancy allowing residential use and such certificate of occupancy does not state thereon that such residential use is limited to that of the owner and/or owner's immediate family, shall be subject in full measure to the provisions of this Chapter [__].

(21) Fallen trees and large quantities of dead vegetation constituting either a fire or safety hazard to residences or adjacent properties shall be removed promptly, tree branches, piles of branches and tree stumps shall be removed.

§ [] **Fees.**

A nonrefundable permit application fee shall be paid upon filing an application for a rental occupancy permit or for a renewal rental occupancy permit, in accordance with the schedule of rental dwelling fees as determined by the Village Board and as may be amended from time-to-time.

§ [] **Minimum Space Required for Occupancy.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(1) Every dwelling unit shall contain at least 200 square feet of floor area per occupant, the floor areas to be calculated on the basis of total usable floor area of habitable rooms.

(2) No unfinished basement or bathroom space shall be used to calculate the minimum total usable floor area.

(3) Each rental dwelling unit shall have at least a bathroom, kitchen, separate bedroom and living room in the dwelling structure.

§ [] **Rental Registration Required.**

A. Permit Required. It shall be unlawful for any rental occupancy to exist in any dwelling without the owner first having obtained a rental permit from a Code Enforcement Officer, with the understanding that it shall be an affirmative defense to a violation of this § [] **[discuss]** that the rental occupant or occupants is/are immediate family members of the owner of the subject premises, as defined in this Chapter [].

B. Valid Permit at Occupancy. Persons and entities including, but not limited to limited-liability companies, corporations, small corporations, partnerships and professional corporations, shall have a valid rental permit in effect at any time the dwelling is occupied.

C. Application Review and Inspection of Premises. The application review process shall be as follows:

(1) A Code Enforcement Officer shall review each application for completeness and reject incomplete applications. A Code Enforcement Officer shall create and approve the application requirements in accordance with this Chapter [].

(2) Upon the filing of a complete application with a Code Enforcement Officer, the owner or the owner's agent shall arrange for a Code Enforcement Officer to inspect the subject dwelling and property.

(3) With an approved inspection, a Code Enforcement Officer shall issue a rental registration valid for twenty-four (24) months.

D. Rental Registration Requirements. The rental registration process shall be as follows:

(1) Rental registration applications shall be in writing on a form approved by a Code Enforcement Officer and shall include the owner's name, mailing address, email address and telephone number.

(2) Rental registrations shall contain the name, mailing address, email address and telephone number for any managing agent or operator for the rental dwelling unit and, in such cases, the owner shall submit authorization attesting to same.

(3) All applicants must submit a sworn statement that there are no existing or outstanding violations of any federal, state or county laws or rules or regulations or the Village Code pertaining to the property.

(4) All applicants must submit the following documents:

(a) A property survey of the premises prepared by a licensed surveyor drawn to scale or, if not shown on the survey, a site plan prepared by a licensed surveyor or engineer, drawn to scale, showing all buildings, structures, walks, drives and other physical features of the premises and the number, location and access of existing on-site vehicle parking facilities; said survey to be dated not more than one (1) year prior to the date of the application.

(b) Copies of all certificates of occupancy and compliance and/or certificates of existing use for all building and structures on the property.

(c) An affidavit setting forth the address to be used as the last known address of the owner for service pursuant to all applicable laws and regulations. The owner shall notify the Village Clerk of any change of address submitted pursuant to this section within five (5) business days of any change thereto.

(5) Each application shall be executed and sworn to by the owner as above.

E. Tenant Information. Prior to the tenant taking occupancy, the owner or owner's agent shall submit the following:

(1) The names of all adults and children that shall be living in the dwelling.

(2) The number of dogs, if any, that shall reside at the dwelling and the New York State license number for each dog **[discuss]**.

(3) Any additional information required by a Code Enforcement Officer.

F. Renewal of Rental Registrations. The rental renewal process shall be as follows:

(1) A renewal rental registration application signed by the owner shall be completed and filed with a Code Enforcement Officer at least ninety (90) days prior to the expiration date of any valid rental registration. A renewal rental registration application shall contain a copy of the prior rental registration.

(2) A renewal rental registration application shall contain a signed sworn statement setting forth the following:

(a) That there are no existing or outstanding violations of any federal, state or county laws, rules, regulations or of the Village Code pertaining to the property; and

(b) there are no changes to any information as provided on the prior valid rental application and registration.

(c) Renewal of the rental registration shall require payment of the applicable fee.

§ [] Revocation of Permit.

A. Revocation of Permit. A Code Enforcement Officer shall revoke any rental occupancy permit if the holder of same causes, permits, suffers or allows to exist and remain upon the subject premises any violation of the New York State Uniform Fire Prevention and Building Code or a violation of the Village Code for a period of fourteen (14) business days or more following notice of any such violation to the permit holder by return receipt requested mailing with the understanding that such permit holder shall have the opportunity to be heard during said fourteen (14)-day period **[paragraph reordered]**.

B. Appeal. An appeal from such revocation may be taken by the permit holder to the Village Board, by written request, made within thirty (30) days from the date of such revocation. The Village Board shall hold a hearing on such appeal after receipt of written request of such appeal, and after such hearing shall make written findings and conclusions and a decision either sustaining such permit revocation or reinstating such permit within thirty (30) days after close of such hearing. Unless the Village Board directs otherwise in circumstances constituting serious threats to health and safety, the filing of an appeal shall stay the effectiveness of a permit revocation until the Board has considered and ruled upon the issue **[discuss]**.

§ [] **Broker's/Agent's Responsibility.**

A. Broker's/Agent's Responsibility Prior to Listing. It shall be unlawful and a violation of this Chapter [] and an offense within the meaning of the Penal Law of the State of New York for any broker or agent to list, solicit, advertise, exhibit, show or otherwise offer for lease, rent or sale on behalf of the owner of any dwelling unit for which a current rental permit has not been issued by the Code Enforcement Officer. It shall be the broker's or agent's duty to verify the existence of a valid rental permit before acting on behalf of the owner.

B. Acceptance of Broker Fees. It shall be unlawful and a violation of this Chapter [] to accept a deposit of rent or security, or a commission, regarding the rental of a rental single dwelling unit located within the Village where no valid rental registration has been issued as required under this Chapter [].

§ [] **Enforcement.**

This Chapter [] shall be enforced by a Code Enforcement Officer as defined in said chapter.

§ [] **Penalties for Offenses.**

Any person, association, firm or corporation that violates any provision of this Chapter [] or assists in the violation of any provision of this Chapter [] shall be guilty of a violation, punishable:

(1) By a fine not less than five hundred (500) dollars, nor more than five thousand (5,000) dollars, or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense.

(2) By a fine not less than one thousand (1,000) dollars, nor more than ten thousand (10,000) dollars, or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the second of the two offenses, both of which were committed within a period of five (5) years.

(3) Each week's continued violation shall constitute a separate additional violation.

(4) This section is enacted pursuant to Municipal Home Rule Law § 10(1)(ii) and (9-a) and § 10(1)(ii)e(3) and pursuant to § 10(5) of the Statute of Local Governments, and any other statute or local law to the extent necessary to increase the minimum and maximum penalties contained therein.

§ [] **Severability.**

If any provision of this Chapter [__] is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: August [__], 2017

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk