

SECTION 11
TRANSIENT RENTAL REGISTRATION

11.1 OBJECTIVES, DEFINITIONS, AND APPLICABILITY

A. Objectives

Single and multi-family residences, once occupied by full time, year-round residents, are being utilized more frequently as short-term, transient occupied rentals. These rental units generally remain unregulated.

These unregulated transient rentals contribute to a variety of serious issues:

- Health and safety concerns
- Noise, light, trash, and parking nuisances
- Additional stresses on municipal infrastructure

B. Definition

TRANSIENT RENTAL: Any pattern of rental (including vacation rentals) or leasing under which a residential building or structure, single or two family dwelling, condominium, townhouse, guest house, cottage, cabin, attached or detached apartment, fractional ownership unit, time share unit or accessory dwelling is rented as a living quarters for any period of less than 30 days.

C. Applicability

- 1) All transient rentals within the Town of North Elba and the Village of Lake Placid must be registered.
- 2) The North Elba / Lake Placid Code Enforcement Office shall administer the registration system.
- 3) All transient rentals within the Town of North Elba and the Village of Lake Placid must also be registered with the Occupancy Tax Program administered by the Essex County Treasurers Office.

11.2 TYPES OF REGISTRATION

A) No fee registration – Any transient rental where the lease period and /or the cumulative rental or lease period is 14 days or less per calendar year. No fee shall be charged for this type of registration.

B) Fee registration– Any transient rental where the lease period and /or the cumulative rental or lease period is 15 days or more per calendar year.

C) All Registrations shall expire one year from the date of issue.

D) Registration fees shall be established by the North Elba Town Board and the Lake Placid Village Board

E) Registration conveys permission for the Building and Code Enforcement Officer to inspect the transient rental unit upon request.

11.3 REGISTRATION REQUIREMENTS

A) Emergency Contact Information: The owner shall provide the address and phone number for a designated emergency contact person. The contact person must live within 25 miles of the rental property. The contact number registered must be answerable at all times. This information will also be filed with the Lake Placid Police and Fire Departments and must be supplied to the renters.

B) Safety Standards: The property owner shall submit a notarized affidavit certifying each rental unit meets the following conditions:

- 1) Street-side emergency numbers displayed (proper 911 signage)
- 2) Working Smoke Alarms are located on each level including one in each sleeping area
- 3) Working Carbon Monoxide alarms (if source exists)
- 4) Each open flame chimney has been cleaned within one year
- 5) Working fire extinguishers are in each kitchen area and by each fireplace
- 6) The rental unit complies with the NYS Property Maintenance law.

C) Notification Requirements: The property owner shall submit a notarized affidavit indicating the following are conspicuously present in the rental unit and each individual or group leasing the property has been notified of:

- 1) the location of on-site parking
- 2) a summary of the applicable noise ordinance (Village / Town)
- 3) a trash control plan
- 4) a summary of applicable ordinances regarding flags and banners (Village / Town)

D) Infrastructure Requirements: Any Transient Rental Unit connected to the Lake Placid Municipal water system must be metered.

11.4 MAXIMUM OCCUPANCY LIMITS

If large numbers of people occupy a dwelling there is a greater chance that areas without safe egress will be utilized as bedrooms. This creates a dangerous situation to the visitor and potential threat to any fire fighter who may have to enter such a closed location in the course of an emergency. Over-occupancy also stresses existing infrastructure.

A) Maximum occupancy shall be calculated as 2 times the number of bedrooms recorded by the Essex County Real Property Tax Services Office + 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

B) Maximum occupancy of a studio apartment shall be 2 occupants for the first 220 sq. ft. with one 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 is maximum occupancy

11.5 ENFORCEMENT

A) Any transient rental not registered or found in violation of any provision of this ordinance is subjects the owner of the propert to the following civil penalties:

1) Fines:

- a) First violation: \$350
- b) Second violation: \$750
- c) Third and subsequent violation: \$1,000

B) Additional Considerations:

- 1) Advertising a property for rent for a period of less than 60 days is presumptive evidence of a transient rental
- 2) Each person who stays overnight in violation of the determined occupancy limit constitutes a separate violation.
- 3) Any violation continued after 24 hours is a new offense
- 4) Unpaid fines may result in the filing of a lien against the property

C) If a property has 3 violations during a calendar year the registration may be suspended for a one-year period