

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET ALBANY, NY 12231

(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 of Round Lake

Local Law No \_\_\_\_\_ of the year 2021

A local law amending Chapter 180

Be it enacted by the Village Board of Trustees of the

County

City

Town

Village of Round Lake as follows:

## Section I. Substantive Law.

A. The following definitions are deleted from §180.3

BOARDINGHOUSE

HOTEL, MOTEL, INN, TOURIST CABIN or AUTO COURT

TOURIST HOUSE

B. The following definitions are added to §180.3:

APARTMENT

A rented Dwelling Unit.

APARTMENT BUILDING

A Building or portion thereof containing three or more Dwelling Units. See "Dwelling, Multiple."

#### BED AND BREAKFAST

A Dwelling in which Tenants are provided breakfast. A Special Use Permit is required. See Article VI.

#### BOARDING HOUSE, ROOMING HOUSE, FURNISHED ROOM HOUSE, LODGING HOUSE

A Dwelling in which rooms are offered for rent for more than a week, and table board may be furnished to Tenants, and which does not meet the definition of a Bed-and-Breakfast, Hotel, Motel, Inn, Tourist Cabin, or Short-Term Rental.

#### FURNISHED ROOM

A room or suite of rooms rented to a Tenant for a fee which does not contain complete housekeeping facilities.

#### HOTEL, MOTEL, INN or TOURIST CABIN

A business offering Furnished Rooms for rent and not meeting the definition of Bed-and-Breakfast, Boardinghouse, or Short-Term Rental.

#### INDIVIDUAL

A human being.

#### PERSON

An Individual, partnership, Tenant, church or similar organized community of worship, company or corporation but, except for a church or similar organized community of worship, not an unincorporated association.

#### TENANT

A Person renting a Dwelling Unit or Furnished Room.

#### SHORT-TERM RENTAL

A Dwelling Unit or Furnished Room that is rented to a Tenant(s) for a period of less than 30 consecutive nights. A Building in which Short-Term rentals are offered and in which the owner does not reside at least six (6) full months during the year, is a Hotel as defined herein. A Special Use Permit is required. See Article VI.

- C. The following definitions of §180.3 are replaced with the following language:

**BUILDING**

Any roofed Structure intended for the shelter, housing or enclosure of persons, animals or property including, but not limited to, houses, garages, and sheds.

**DWELLING**

A Building designed or used as the living quarters for one or more Individuals or Families.

A. DWELLING, UNIT — A room or group of rooms providing complete housekeeping facilities for one Family.

B. DWELLING, ONE-FAMILY/SINGLE-FAMILY — A detached Building containing one Dwelling Unit only.

C. DWELLING, TWO-FAMILY — A detached Building containing two Dwelling Units only.

D. DWELLING, MULTIPLE — A Building or portion thereof containing three or more Dwelling Units, including an Apartment Building.

- D. The following paragraph B is added to §180-9:

**Short-Term Rental.** Short-Term Rentals were not a Permitted Use prior to the adoption of Local Law #1 of 2021. Nevertheless, several Dwelling Units have been used as Short-Term Rentals, although unpermitted, and the Village believes that this has been due to the good-faith belief that such use has been a Permitted Use.

Accordingly, during a period of 18 months following enactment of Local Law #1 of 2021, where a Dwelling Unit has been modified to accommodate Short-Term Rental use prior to the effective date of Local Law #1 of 2021, the Village Board of Trustees may waive one or more of the requirements of the Special Use Permit required by §180-13(9) and §180-14(8) and Article IV of this Chapter if the Zoning Board of Appeals has denied an application for a Short-Term Rental Special Use Permit. The Person seeking such relief must show by clear and convincing proof, and the Board of Trustees must articulate in its decision, an inability to obtain a Special Use Permit pursuant to the requirements set forth in Article VI, Bed-and-breakfasts and Short-Term Rentals without material expense or

hardship, other than the requirements to provide adequate parking or compliance with other laws or NYS regulations, which conditions may not be waived. The Board of Trustees shall balance the expense or hardship against the public interest to be served. An example of a material expense is the Owner spending \$5,000 for improvements of a Dwelling Unit to be used as a Short-Term Rental. An example of a material hardship is an existing contract for a short-term rental which cannot be terminated. An example of a requirement which could be waived by the Village Board is the residency requirement.

- E. Subparagraph (1) to §180-13(B) is deleted and replace with the following language: Boarding House, Rooming House, Furnished Room House, Lodging House (see §180-3, Definitions).
- F. The following new subparagraphs are added to §180-13(B):
  - (9) Bed-and-Breakfasts.
  - (10) Short-Term Rentals.
- G. Subparagraph (7) to §180-13(B) is amended to read only: Bed-and-Breakfasts.
- H. The following new subparagraph is added to §180-14(B):
  - (8) Short-Term Rentals.
- I. A new paragraph B is added to Article VI which reads in full:

Bed-and-Breakfasts and Short-Term Rentals.

  - 1. A Special Use Permit is required to operate a Bed-and-Breakfast or Short-Term Rental. In addition to the requirements for all Special Use Permits, an applicant must demonstrate and commit that:
    - a. The applicant is the owner of the Dwelling Unit which is the subject of the application or is making the application with the owner's written consent.
    - b. All neighbors with real property within 200 feet of the Dwelling Unit have been advised of the Special Permit application.
    - c. The grant of a Special Permit will not adversely affect the neighborhood.
    - d. The Dwelling Unit has adequate off-street parking

- capacity.
- e. There will be no more than two Tenants per bedroom, not including children 12 years or younger.
  - f. The Dwelling Unit has been inspected by the Village Code Enforcement Officer who has determined that it meets all NYS Uniform Code and NYS Health Department requirements.
  - g. The owner carries liability insurance covering the Tenants against injury in an amount not less than \$500,000.
  - h. With respect to a Short-Term Rental only: The period the facility is rented while the owner is not also residing in the Dwelling shall not exceed six (6) months in any forthcoming 365 day period.
  - i. With respect to Bed-and-Breakfast only: The owner resides in the Dwelling in which the rental take place during the entire period of the tenancy.
2. A Special Use Permit issued under this for a Bed-and-Breakfast of a Short-Term Rental shall be effective for a period of two years, except that it may be revoked for cause by the Zoning Board of Appeals upon notice to the Permit-holder and a hearing.

## **Section II. Supersession:**

This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the NYS Statute of Local Governments, it being the intent of the Village Board to supersede any and all contrary or inconsistent State Laws.

## **Section III. Inconsistency:**

All other local laws and ordinances of the Village of Round Lake, if any, that are inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

## **Section IV. Savings Clause:**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section V. Effective Date:**

This local law shall first be effective upon filing with the NYS Secretary of State.

(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. \_\_\_\_\_ of 2021 of the ~~(County)(City)(Town)(Village)~~ of Round Lake was duly passed by the Village Board of Trustees on the 21<sup>st</sup> day of April, 2021 in accordance with the applicable provisions of law.

~~**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)~~ ~~(repassed after~~  
~~(Name of Legislative Body)~~  
~~disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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 No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was ~~(approved)(not approved)(repassed after~~  
~~(Name of Legislative Body)~~  
~~disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such~~  
~~local law was submitted~~  
~~(Elective Chief Executive Officer\*)~~  
~~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 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)(repassed after~~  
~~(Name of Legislative Body)~~  
~~disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law~~  
~~was subject to~~  
~~(Elective Chief Executive Officer\*)~~  
~~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 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 at 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 affirm majority of the qualified electors of such city voting thereon at the (special)(general) election held \_\_\_\_\_ 20\_\_\_\_  
5  
became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law, designated as local law No \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivision 5 an section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities 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 **Kimberly A. Sheridan-Dugmore**

(Seal)

Date: April 21, 2021

(Certification to be executed by, ~~County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney,~~ of locality.)

STATE OF NEW YORK )  
                                  )SS:  
COUNTY OF SARATOGA )

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature – **Thomas W. Peterson**

\_\_\_\_\_  
Attorney for the Village of Round Lake

Title  
County  
City  
Town

Village of Round Lake

Date: April 21, 2021