

Chapter 133. Zoning

Article IV. Specific Use Regulations

§ 133-14.1. Vacation rentals.

[Added 4-21-2017 by L.L. No. 4-2017; amended 5-25-2018 by L.L. No. 5-2018]

- A. It shall be unlawful and a violation of this chapter for any person or entity owning, renting or leasing a vacation rental within the Town to rent, lease or permit the use and occupancy of such vacation rental property without having first licensed the property as a vacation rental property and paying the license fee established by the Town Board. Any such license shall be subject to the following requirements:
- (1) An applicant for a vacation rental license must submit a completed, fully executed vacation rental license application or vacation rental license annual renewal application, with applicable license fee(s) as established by resolution of the Town Board to the vacation rental examiner.
 - (2) The property where the vacation rental is to be located shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with the state, county and Town building, fire and zoning codes. There shall be no more than one vacation rental on a property.
 - (3) The total number of rooms utilized as bedrooms shall not exceed the number indicated on the filed building plans for the structure(s) in which the vacation rental is located.
 - (4) Occupancy of a vacation rental shall not exceed two persons per bedroom as permitted under Subsection **A(3)** above except that children age three or under may reside with their parents.
 - (5) The lessor of a vacation rental shall maintain a rental registry and require each lessee to execute a lease or rental agreement; shall maintain such documents for a period of three years; and shall make such documents available for examination by the Town upon request.
 - (6) The Town shall publish a Good Neighbor Brochure in digital, PDF format, made available for downloading and printing on the Town of Shelter Island website.
 - (7) The lessor must provide a copy of the then current Good Neighbor Brochure to each lessee prior to commencement of the rental term. The lessor is further required to have each lessee sign a Good Neighbor Brochure indicating receipt, and it shall be made a part of the lease or rental agreement with the owner.
 - (8) Any owner of a vacation rental property must designate a local contact person. The owner shall provide to the Town current contact information for the local contact person, including name, address, phone number, and email address. The owner must also provide the Town written certification that all neighbors within 200 feet of the property line of the vacation rental have been provided with owner's personal cell phone number to call in the event of problems with the vacation rental.

- (9) The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.
- (10) A written statement, executed by the owner(s) of the vacation rental property, which designates as agent for service for criminal and civil process pursuant to Civil Practice Law and Rules Rule 318 either:
 - (a) A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; or
 - (b) The Town Clerk of the Town of Shelter Island. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed. The designated agent, upon receipt of service of process under this designation, shall forthwith transmit by regular and certified mail to the owner(s) of the rental property at the address included on the owner(s) application.
- (11) The vacation rental license must be renewed annually.

B. Advertising.

- (1) The following applies to all advertising of vacation rentals:
 - (a) No vacation rental may be advertised for use on Shelter Island unless a vacation rental license has been obtained; and
 - (b) The current vacation rental license number assigned by the Town for the advertised vacation rental must be displayed on all advertising material; and
 - (c) The advertised occupancy of the vacation rental must not exceed the maximum allowed by the vacation rental license; and
- (2) Failure to comply with the requirements of Subsection **B(1)** above shall be a violation of this chapter.

C. Limitation on frequency of vacation rentals. No vacation rental property may be rented more than once in any fourteen-day period. There is no minimum stay required within that fourteen-day period.

D. Penalties for violations.

- (1) Violation of this Code shall result in penalties as set forth below.
 - (a) For the first violation, a minimum fine of \$500, not to exceed \$1,500.
 - (b) For the second violation within the 12 months following the first violation, a minimum fine of \$750, not to exceed \$2,500, and/or suspension of the vacation rental license for a period up to six months, and during said time the premises shall not be utilized for a vacation rental.
 - (c) For the third violation within the 12 months following the first violation, a minimum fine of \$1,000, not to exceed \$4,000, and suspension of the vacation rental license for a period of 12 months, and during said time the premises shall not be utilized for a vacation rental.
 - (d) The Town Board will be the review board for issues associated with implementation of this section, and may suspend or revoke a vacation rental license for any violation of this section following a hearing wherein the licensee has been given a reasonable opportunity to appear and be heard.

- E. Applicability. This section applies to all properties which are used as vacation rentals, regardless of whether such activity occurred prior to adoption of these regulations.