



**June 22, 2017 at 7:00 PM
Mayor and Board of Trustees – Regular Meeting
Third Street Firehouse
Greenport, NY 11944**

236 Third Street
Greenport NY
11944

Tel: (631)477-0248
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MAYOR

GEORGE W. HUBBARD, JR.
EXT. 215

TRUSTEES

JACK MARTILOTTA
DEPUTY MAYOR

MARY BESS PHILLIPS

DOUGLAS W. ROBERTS

JULIA ROBINS

**VILLAGE
ADMINISTRATOR**

PAUL J. PALLAS, P.E.
EXT. 219

CLERK

SYLVIA PIRILLO, RMC
EXT. 206

TREASURER

ROBERT BRANDT
EXT. 217

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

- o Patricia Dinizio
- o Louise Swenson Downer
- o Richard K. Kearns
- o Martha Cox Mazzaferro
- o Denise C. Rathbun

ANNOUNCEMENTS

- o Each of the following Fire Department Members were recently recognized for the milestone accomplishment of fifty years in the fire service:
Macy Marczewski
Jim Pirillo, Sr. and
Jack Skrezec.
- o The Village Offices will be closed on the 4th of July in celebration of the national holiday.
- o The annual Fire Department Carnival will be held from July 4th through July 8th, beginning at 6:00 p.m.; with fireworks scheduled for July 4th and July 8th.

LIQUOR LICENSE APPLICATION

- o Bruce & Son LLC, 208 Main Street

PUBLIC HEARINGS

- o Wetlands Permit Application of North Ferry Company to replace 28 decayed pilings with new pilings and install plastic guards on the pilings
- o Proposed amendment to Chapter 103 (Rental Regulations for Residential Properties) of the Village of Greenport Code

PUBLIC TO ADDRESS THE BOARD

REGULAR AGENDA

CALL TO ORDER**RESOLUTIONS****RESOLUTION # 06-2017-1**

RESOLUTION adopting the June 2017 agenda as printed.

RESOLUTION # 06-2017-2

RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Administrator, Village Treasurer, Village Clerk, Village Attorney, Mayor and Board of Trustees.

RESOLUTION # 06-2017-3

RESOLUTION ratifying the following resolutions as approved at the June 15, 2017 work session meeting of the Village of Greenport Board of Trustees:

- RESOLUTION ratifying the hiring of Katelyn Cacace and Christopher Keeley as seasonal, part-time Traffic Control officers, effective May 23, 2017; at a pay rate of \$ 15.00 per hour, and
- RESOLUTION ratifying the hiring of Fiona Faherty as a seasonal, part-time employee at the Village of Greenport Mitchell Park Marina Office effective May 25, 2017; at a pay rate of \$ 11.00 per hour.

FIRE DEPARTMENT**RESOLUTION # 06-2017-4**

RESOLUTION approving the request of the Greenport Fire Department to use a portion of the Fifth Street Beach/Park on July 29, 2017 for the Annual Fire Department Picnic.

VILLAGE ADMINISTRATOR**RESOLUTION # 06-2017-5**

RESOLUTION ratifying the rehiring of Sean Gambaiani, Jack Gold and Jordyn Maichin as part-time, seasonal Camp Counselors at a pay rate of \$10.00 per hour; effective June 13, 2017.

RESOLUTION # 06-2017-6

RESOLUTION ratifying the hiring of Adam Brautigam as a part-time employee at the Village of Greenport Mitchell Park Marina Office at a pay rate of \$15.00 per hour; effective June 9, 2017.

RESOLUTION # 06-2017-7

RESOLUTION ratifying the hiring of Elizabeth Gironda as a seasonal, part-time Camp Counselor and also as an employee at the Village of Greenport Mitchell Park Marina Office at a pay rate of \$10.00 per hour; effective June 12, 2017.

RESOLUTION # 06-2017-8

RESOLUTION ratifying the hiring of Anna Llukaci as a seasonal, part-time Carousel employee at a pay rate of \$10.00 per hour; effective June 10, 2017.

RESOLUTION # 06-2017-9

RESOLUTION ratifying the hiring of Kyle Mackey as a seasonal, part-time Camp Counselor at a pay rate of \$10.00 per hour; effective June 13, 2017.

RESOLUTION # 06-2017-10

RESOLUTION amending Resolution # 04-2017-11 from the April 27, 2017 regular meeting of the Board of Trustees, to correct the pay rate of Joe Zabarra to be \$10 per hour, and to correct the pay rate of Dylan Zabarra to be \$10 per hour; with both corrected pay rates effective May 15, 2017.

RESOLUTION # 06-2017-11

RESOLUTION ratifying the attendance of Eileen Wingate at the Stony Brook University Code Conference, from June 13, 2017 through June 15, 2017; for the completion of the required annual 24 hour in-service building code training. There is no fee for the training, and all applicable mileage and meal reimbursements, to be expensed from account A.3620.400 (Safety Inspection Contractual Expense), apply to the training.

RESOLUTION # 06-2017-12

RESOLUTION approving the request by Global Common for a Letter of Support from the Village of Greenport for a grant from the New York State Energy Research and Development Authority, for Round Two of the Electric Power Transmission and Distribution High Performing Grid Program, and authorizing Mayor Hubbard to sign the Letter of Support.

VILLAGE TREASURER**RESOLUTION # 06-2017-13**

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Transfer # 3677, for year-end adjustments for the Enterprise Funds, and directing that Budget Transfer # 3677 be included as part of the formal meeting minutes for the June 22, 2017 regular meeting of the Board of Trustees.

RESOLUTION # 06-2017-14

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Transfer # 3678, for year-end adjustments for the General Fund, and directing that Budget Transfer # 3678 be included as part of the formal meeting minutes for the June 22, 2017 regular meeting of the Board of Trustees.

RESOLUTION # 06-2017-15

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment # 3679, to fund the Light Plant cooling tower, and directing that Budget Amendment # 3679 be included as part of the formal meeting minutes for the June 22, 2017 regular meeting of the Board of Trustees.

RESOLUTION # 06-2017-16

RESOLUTION scheduling a public hearing for 7:00 p.m. on July 27, 2017 at the Third Street Firehouse, Third and South Streets, Greenport, New York, 11944 regarding a proposed amendment to Chapter 105 (Sewers), Article IX (Fees and Charges) of the Village of Greenport Code, adopting revised sewer rates per the report prepared and submitted by BST & Company, CPA's LLP; and directing Clerk Pirillo to notice the public hearing accordingly.

VILLAGE CLERK**RESOLUTION # 06-2017-17**

RESOLUTION ratifying the hiring of Andrew Smith as the part-time Fire Marshal for the Village of Greenport, effective June 6, 2017; at a pay rate of \$ 25.00 per hour.

RESOLUTION # 06-2017-18

RESOLUTION hiring Adam Brautigam as a full-time Account Clerk Typist for the Village of Greenport Mitchell Park Marina Office, at a pay rate of \$ 15 per hour, effective June 28, 2017. All health insurance and other full-time employment benefit provisions specified in the current contract between the Village of Greenport and CSEA Local 1000 apply to this hiring, as does the standard twenty-six week Suffolk County Civil Service probationary period.

RESOLUTION # 06-2017-19

RESOLUTION hiring Jason Doucett as a full-time Groundskeeper I for the Village of Greenport Road Department, at a pay rate of \$ 16 per hour, effective June 28, 2017. All health insurance and other full-time employment benefit provisions specified in the current contract between the Village of Greenport and CSEA Local 1000 apply to this hiring, as does the standard twenty-six week Suffolk County Civil Service probationary period.

RESOLUTION # 06-2017-20

RESOLUTION hiring Chad Osmer as a full-time Groundskeeper I for the Village of Greenport Road Department, at a pay rate of \$ 16 per hour, effective June 28, 2017. All health insurance and other full-time employment benefit provisions specified in the current contract between the Village of Greenport and CSEA Local 1000 apply to this hiring, as does the standard twenty-six week Suffolk County Civil Service probationary period.

VILLAGE ATTORNEY**RESOLUTION # 06-2017-21**

RESOLUTION scheduling a public hearing for 7:00 p.m. on July 27, 2017 at the Third Street Firehouse, Third and South Streets, Greenport, New York, 11944 regarding a proposed amendment to Chapter 150 (Zoning), Section 9 (CR-Retail Commercial District) and Section 18 (Multi-Family Dwelling) of the Village of Greenport Code, adopting regulations regarding multiple-use residential and commercial buildings in the CR (Retail Commercial) District and Multi-Family Buildings in the R-2 (One and Two-Family Residence) District, and directing Clerk Pirillo to notice the public hearing accordingly.

RESOLUTION # 06-2017-22

RESOLUTION scheduling a public hearing for 7:00 p.m. on July 27, 2017 at the Third Street Firehouse, Third and South Streets, Greenport, New York, 11944 regarding a proposed amendment to Chapter 65 (Fire Prevention and Building Construction) of the Village of Greenport Code, adopting the 2015 International Building and Fire Prevention Codes, and directing Clerk Pirillo to notice the public hearing accordingly.

VILLAGE TRUSTEES**RESOLUTION # 06-2017-23**

RESOLUTION accepting the donation of one, two-part "Big Belly" solar trash can/compactor, from Sharon Sailor, to be placed on Village-owned property selected by the Village of Greenport Board of Trustees, with the period of the donation to be one year from the delivery date of the solar trash can/compactor. The value of the donation to the Village of Greenport totals \$ 2,820 for one year, as \$ 235 per month, payable by Sharon Sailor for the first year of a five-year lease agreement.

VOUCHER SUMMARY**RESOLUTION # 06-2017-24**

RESOLUTION approving all checks for Fiscal Year 2016/2017 per the Voucher Summary Report dated June 16, 2017, in the total amount of \$ 287,193.92 consisting of:

- o All regular checks in the amount of \$ 287,193.92.

RESOLUTION # 06-2017-25

RESOLUTION approving all checks for Fiscal Year 2017/2018 per the Voucher Summary Report dated June 16, 2017, in the total amount of \$ 218,460.86 consisting of:

- o All regular checks in the amount of \$ 188,137.68, and
- o All prepaid checks (including wire transfers) in the amount of \$ 30,323.18.

LOCAL LAW NO. OF THE YEAR 2017
AMENDING CHAPTER 103 OF THE GREENPORT VILLAGE CODE
RENTAL REGULATIONS FOR RESIDENTIAL PROPERTIES
BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 2.0 General Provisions
- 2.1 Amendment of Chapter 103
- 3.0 Severability

1.1 Title

This Local Law shall be entitled “Local Law of 2017 Amending Chapter 103 of the Greenport Village Code, Rental Regulations for Residential Properties”.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of Greenport, County of Suffolk and State of New York, hereby enacts by this Local Law of 2017, a Local Law of the Village of Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the

Draft Rental Permit Law;
February 8, 2017 updated June 6, 2017

Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to amend the existing Chapter 103 regulations for property rentals in the Village of Greenport to apply to all rentals in the Village in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport.

General Provisions.

2.1 Chapter 103 of the Greenport Village Code is hereby amended to read as follows:

103-1 Legislative Intent

The Village Board of the Village of Greenport hereby finds that it is in the public interest to prevent unsafe conditions arising from the rental of dwelling units that are in violation of the 2015 International Building and Fire Prevention Code, New York Supplement, or the Greenport Village Code, and any other code or regulation applicable within the Village of Greenport, and dwelling units that are inadequate in size, overcrowded and dangerous; or which pose hazards to life, limb and property of residents of the Village of Greenport or that tend to promote and encourage deterioration of the housing stock of the Village of Greenport; create blight, excessive vehicle traffic and parking problems; and overburden municipal services. The Board of Trustees further finds that additional Code provisions are required to halt the proliferation of such conditions and that the public health, safety, welfare and good order governance of the Village of Greenport will be enhanced by enactment of the regulations set forth in this Chapter.

103-2 Applicability

This Chapter shall apply to all rental units located within the Village of Greenport, whether or not the use and occupancy thereof shall be permitted under the applicable use

regulations for the zoning district in which such rental unit is located. Any dwelling unit, rooming house unit, boarding house unit or any other premises subject to this Chapter shall be presumed to be rented for a fee and consideration if said premises are not occupied by the legal owner thereof.

103-3 Relation to other Laws and Regulations

The provisions of this Chapter shall be deemed to supplement applicable State and local laws, codes and regulations. Nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. In case of conflict between any provision of this Chapter and any applicable state or local law, code or regulation, the more restrictive or stringent provision or requirement shall prevail, except that in the event that any provision of this Chapter is inconsistent with a provision of the 2015 International Building and Fire Prevention Code, New York State Supplement, the 2015 International Building and Fire Prevention Code, New York State Supplement, will prevail. The issuance of any permit or the filing of any form under this Chapter does not make legal any action or state of facts that is otherwise illegal, unlawful or unpermitted, or otherwise in contravention of any other applicable law, code, rule or regulation.

103-4 Definitions

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

BUILDING DEPARTMENT; The Building Department of the Village of Greenport or any agent or officer of such Department.

BUILDING INSPECTOR; The Building Inspector of the Village of Greenport or any person duly appointed as such Inspector by the Mayor and approved by the Board of Trustees.

CODE ENFORCEMENT OFFICER; Any officer of the Village of Greenport that is authorized to act as a Code Enforcement Officer by the New York State Uniform Building and Fire Prevention Code. For purposes of this Chapter, Code Enforcement Officer shall also

Draft Rental Permit Law;
February 8, 2017 updated June 6, 2017

include those officers and employees of the Village of Greenport that are designated to enforce the Greenport Village Code and issue violations under this Chapter, which shall include the Building Inspector, Village Administrator, Housing Inspector, any Fire Marshal, Fire Inspector or Chief of the Fire Department, or their designees that may be appointed by the Mayor and approved by the Board of Trustees.

CONVENTIONAL BEDROOM; A room designed as a bedroom or, as in the case of a studio apartment, a common room used for sleeping purposes. Rooms having other purposes, such as dens, kitchens, living rooms or hallways, are not to be interpreted or used as conventional bedrooms. A room that is not a conventional bedroom may not be converted to a conventional bedroom without the permission of the Building Department. The definition and interpretation of the use of a room as a bedroom shall be as provided in the 2015 International Building and Fire Prevention Code, New York State Supplement.

DWELLING, ONE FAMILY; A unit designed and authorized for exclusive occupancy as a home or residence for not more than one family, which building shall have not more than one kitchen.

DWELLING UNIT; A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, and having no enclosed space (other than vestibules, entranceways, or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit and which contains at least and not more than one kitchen.

~~FAMILY; Two or more persons that are related by blood, adoption, civil union or marriage, or up to five persons that are not related by blood, adoption, civil union or marriage, that are occupying one dwelling unit and living together as a family or the functional equivalent of a family. There shall be a presumption that more than five persons that are not related by blood, adoption, civil union or marriage occupying one dwelling unit are not a family, which presumption may be rebutted by proof presented to the Building Inspector of the Village of~~

Draft Rental Permit Law;
February 8, 2017 updated June 6, 2017

~~Greenport~~. (deletion requested by Trustee Phillips)

~~———— IMMEDIATE FAMILY; The owner's spouse, children, parents, siblings, grandparents or grandchildren.~~ (Deletion requested by Trustee Phillips).

INTERNATIONAL CODE: The 2015 International Building and Fire Prevention Code, New York State Supplement.

KITCHEN; Any assembly of cabinets, appliances, countertops or plumbing used in connection with the storage, preparation or cooking of food.

MANAGING AGENT; Any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity responsible for the maintenance or operation of any rental property as defined within this Chapter.

MULTIPLE DWELLING BUILDING; A building or portion thereof containing ~~three~~ **Two** or more dwelling units and designed for, or occupied by, three or more families living independently of each other. (change requested by Trustee Phillips).

NEW PERMIT; A permit that is issued to the owner of an intended rental dwelling unit where such premises does not possess a rental permit that is valid and in force prior to the date that the application is submitted for said rental permit.

NONCONFORMING BUILDING OR USE; A building or use that does not conform to the applicable building, zoning or other relevant regulations of the district in which it is situated.

NONHABITABLE SPACE; Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater, boiler and recreation rooms, closets and other space for service and maintenance of the building, and those spaces used for access and vertical travel between stories and specifically excluding any rooms used for sleeping, eating and cooking, other than kitchenettes and as may otherwise be designated by the International Code or other codes and regulations of the State of New York. The presence of a bed or bed frame, crib or

other sleeping provisions in a room is presumptive evidence that the room is being used for sleeping purposes.

OWNER; Any person, partnership, corporation or other entity who alone, or jointly with others, has 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 lending institution, regardless of how such possession, title or control was obtained.

OWNER-OCCUPIED; Occupation (other than a multiple-dwelling structure), by the owner and/or his immediate family.

PERSON; Includes any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

PUBLISH; Promulgation of an available rental property to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media.

RENEWAL RENTAL PERMIT; A permit which is to be issued to the owner of the rental property where such dwelling unit has been the subject of a rental permit continuously prior to the date of the application for the permit.

RENT; A return, in money, property or other valuable consideration (including payout in kind or services or other thing of value), for the use and occupancy or the right to the use and occupancy of a rental property, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL PERMIT; A permit issued by the Building Inspector to the owner to allow the use or occupancy of a rental property.

RENTAL PROPERTY; A dwelling unit which is occupied for habitation as a residence

by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. For purposes of this Chapter, the term "rental property" shall mean all non-owner-occupied single-family residences, two-family residences (where neither of the dwelling units is owner-occupied), multi-family residences, and townhouses, **including owner occupied dwellings that rent out apartments** and shall exclude: (addition requested by Trustee Phillips).

A. Properties used exclusively for nonresidential commercial purposes in any zoning district; or

B. Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

TWO-FAMILY BUILDING; A building containing two dwelling units and designed and authorized for exclusive occupancy as a home or residence for not more than two families living independently of each other, which building shall have at least, but not more than, one kitchen per dwelling unit.

103-5 Confidential Information Maintained by Owner

The Owner shall maintain a confidential record of the names and telephone numbers of the Tenants.

103-6 Rental permit required

Effective the date of the filing of this local law with the New York State Department of State no owner shall cause, permit or allow the occupancy or use of a dwelling unit as a rental property without a valid rental permit and no person shall occupy or otherwise use a dwelling unit or any part thereof as a rental property without a valid rental permit being issued for the

rental unit. A rental permit issued under this Chapter shall only be issued to the owner(s) of the real property at issue.

Section 103-7 Application for a Rental Permit

A. An application for a rental permit that has been signed and sworn to by the owner and the managing agent, where applicable, is required to be filed for all dwelling units that are used as rental properties and existing rentals. Where a dwelling unit is to be used as a rental property, an application for a rental permit that has been signed and sworn to by the owner and the managing agent, where applicable, shall be filed with the Building Inspector before the term of the rental is to commence.

B. The application shall contain the following:

1. The legal residence of each owner and in the event that the owner of the rental property is a corporation, partnership, limited liability company, or other business entity, the name, proof of legal residence, and telephone number of the responsible party of the owner or owner entity shall be provided.

2. The name, address and telephone number of the managing agent, if applicable.

3. The location of the rental property, including the street address and the Suffolk County Tax Map parcel number.

4. Verification of an inspection by the Village of Greenport or a written certification from a licensed architect or licensed engineer, or proof of inspection or report by a governmental agency or representative of that agency that states that the rental property fully complies with all of the provisions of the Greenport Village Code, the 2015 International Fire Prevention and Building Code, New York State Supplement, and any other applicable codes and regulations of the State of New York, which certification shall not have been completed more than thirty (30) days prior to the date of the application.

5. Floor plan of rental unit. (addition requested by Trustee Robins).

Section 103-8 Review of application; issuance of rental permit

The Building Inspector or the inspector's designated agent shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental property unless the owner has elected to provide a certification from a licensed architect or a licensed engineer, or from a governmental agency complying with Section 103-7(B)(7) above. The Building Inspector shall issue a rental permit when the application is complete and fee paid, and when the Building Inspector, based on an inspection or on the paperwork submitted, is satisfied that the proposed rental property fully complies with the Greenport Village Code, the 2015 International Fire Prevention and Building Code, New York State Supplement, and the other codes and regulations of the State of New York.

103-9 Term of permits and renewal

All permits issued pursuant to this Chapter shall have a term of two years. A renewal rental permit application signed by the owner shall be completed and filed with the Building Inspector not later than thirty (30) days prior to the expiration of any valid rental permit. The renewal rental permit application shall contain the following:

1. An official copy of the prior valid rental permit;
2. Either: (a) a signed and sworn affidavit by the owner affirming that the rental property, to the best of his/her knowledge, fully complies with all of the provisions of the Greenport Village Code and the 2015 International Building and Fire Prevention Code, New York State Supplement, that the structure has not been physically altered in any way, except in full conformance with a valid building permit, and the owner is not aware of the property being in violation of the Greenport Village Code or the 2015 International Fire Prevention and Building Code or (b) an inspection by the Building Inspector of the Village of Greenport.

Section 103-10 Register of permits

It shall be the duty of the Building Inspector to maintain a register of permits issued pursuant to this Chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of rooms in the rental property, and the date of expiration of the rental permit.

Section 103-11 Fees

A. A nonrefundable biennial permit application fee, in the amount of \$100, shall be paid upon the filing of an application for a rental permit or a renewal rental permit.

B. The nonrefundable annual permit application fee shall be waived if the owner of a rental property leases for the entire rental term to households that are verified as low income households, in such rental amounts as adopted by the Board of Trustees through the annual resolution which updates the rental formula multipliers for units reserved for income-eligible households pursuant to the Greenport Village Code.

C. The nonrefundable biennial rental permit application fee shall be waived if the owner of a rental property qualifies for any of the following real property tax exemptions at his or her primary residence located in the Village of Greenport:

1. Enhanced STAR;
2. Veterans exemption; or
3. Senior citizens exemption.
4. The owner of a rental property submits a sworn affidavit affirming that the rental property will be leased to any active member of a volunteer fire department or ambulance corps and/or if the owner is qualified for a volunteer firefighter or ambulance worker real property tax exemption.

5. The non-refundable biennial rental permit application fee shall be waived if the owner of a rental property submits a sworn affidavit affirming that the rental property will be

leased to a senior citizen or a qualified disabled person.

D. If an owner of a rental property is found by any court of competent jurisdiction to have violated this Chapter, within a two year period preceding the date of the commencement of the renewal period, the nonrefundable biennial rental permit application fee for the property involved will be \$500.

Section 103-12 Regulations

A. A rental property shall only be leased, occupied or used by one person or a family.

B. No rental property shall be occupied by more than the number of persons permitted to occupy the rental property under the International Code and the other codes and regulations of the State of New York.

C. No more than two bedrooms shall be permitted in the basement of a rental property.

D. The selling of shares to subtenants where they obtain rights for use and/or occupancy in a dwelling shall be prohibited.

E. The leasing, subleasing, occupancy or use by a tenant of less than the entire rental property is prohibited.

F. The owner(s) and tenant(s) shall ensure that all applicable parking regulations provided for in the Greenport Village Code are satisfied.

G. A rental property shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued for the rental property.

H. The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in the Greenport Village Code, the codes and regulations of the State of New York, and the United States Department of Housing and Urban Development Section 8 Housing Quality Standard Inspection Checklist standards are satisfied as may be applicable.

I. Dumpsters are prohibited on residential property for anything other than

incidental short term use.

Section 103-13 Inspections

The Building Inspector and Village personnel or agents for the Village who are engaged in the enforcement of the provisions of this Chapter and the 2015 International Building and Fire Prevention Code, New York Supplement, are authorized to make or cause to be made inspections to determine the condition of rental properties to safeguard the health, safety, and welfare of the public. The owner of a rental property may request assistance from the Village with regard to an eviction that is related to a dangerous, hazardous or unsafe condition at a premises, and the Village can go to an owner for the assistance in the inspection or removal of a dangerous, hazardous or unsafe condition.

Section 103-14 Application for search warrant authorized

The Village is authorized to make application for the issuance of a search warrant in order to conduct an inspection of any rental property where the owner or tenant refuses or fails to allow an inspection of its premises and where there is reasonable cause to believe that a violation of this Chapter or the New York State Uniform Fire Prevention and Building Code or the other codes and regulations of the State of New York.

Section 103-15 Revocation of permit

A. The Building Inspector shall revoke a rental permit when the Building Inspector finds that the permit holder has caused, permitted or allowed to exist and remain upon the rental property a violation of any provision of the Greenport Village Code for a period of fourteen (14) calendar days or more after written notice has been provided to the permit holder, owner, managing agent, or tenant of the rental property by mail, certified mail, or hand delivery.

B. An appeal from such revocation may be made in writing by the permit holder to the Board of Trustees within 30 days from the date of such revocation. The Village Board of Trustees shall hold a public hearing on such appeal within 30 days after receipt of written notice

of such appeal and, after such hearing, shall make written findings and a decision either sustaining such permit revocation or reinstating such permit within 30 days after close of such public hearing.

Section 103-16 Presumptive evidence dwelling unit is being used as rental property

A. The presence or existence of any of the following shall create a presumption that a dwelling unit is being used as a rental property:

1. The property is occupied by someone other than the owner or his/her immediate family;

2. Voter registration, motor vehicle registration, a driver's license, or any other document filed with a public or private entity which states that the owner of the rental property resides at an address other than the rental property;

3. Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner;

4. Persons residing in the dwelling unit represent that they pay rent to occupy the premises;

5. A dwelling unit which has been published or advertised in print, on social media of any kind or form, or any other form of media or publication as being available for rent;

B. The foregoing may be rebutted by evidence presented to the Building Inspector or any court of competent jurisdiction.

Section 103-17 Presumptive evidence of multifamily occupancy

A. It shall be presumed that a single- or one-family dwelling unit is occupied by more than one family if any two or more of the following features are found to exist on the premises:

1. More than one mailbox, mail slot or post office address;

2. More than one electric meter annexed to the exterior of the premises;

3. More than one doorbell or doorway on the same side of the dwelling unit;
4. More than one connecting line for cable television service;
5. More than one antenna, satellite dish, or related receiving equipment;
6. There are three or more motor vehicles registered to the dwelling and each vehicle owner has a different surname;
7. There are more than three waste receptacles, cans, containers, bags or boxes containing waste from the premises placed for pickup at least twice during a weekly garbage pickup area;
8. There are separate entrances for segregated parts of the dwelling;
9. There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;
10. There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among the owner and/or occupants and/or persons in possession thereof;
11. Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all parts of the dwelling unit;
12. Two or more kitchens, each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;
13. There are bedrooms that are separately locked.

B. If any two or more of the features set forth in Subsection A(1) through (13) are found to exist on the premises by the Building Inspector or Village personnel engaged in the enforcement of the provisions of this Chapter, a verified statement will be requested from the owner of the dwelling unit by the Building Inspector that the dwelling unit is in compliance with all of the provisions of the Greenport Village Code the laws and sanitary and housing regulations

of the County of Suffolk and the laws of the State of New York. If the owner fails to submit such verified statement, in writing, to the Building Inspector within ten (10) calendar days of such request, such shall be deemed a violation of this Chapter.

Section 103-18 Presumptive evidence of owner's residence

A. It shall be presumed that an owner of a rental property does not reside within said rental property if two or more of the following sets forth an address other than that of the rental property:

1. Voter registration;
2. Motor vehicle registration;
3. Driver's license; or
4. Utility Bill
5. Any other document filed with a public or private entity.

B. The foregoing may be rebutted by evidence presented to the Building Inspector or any court of competent jurisdiction.

Section 103-19 Presumptive evidence of over-occupancy

A. It shall be presumed that a bedroom is over-occupied if more than two mattresses or sleeping provisions for more than two persons exist in a single bedroom.

B. The existence of the number of motor vehicles at the premises may be used by the Village as a presumption of the number of individuals occupying the premises.

Section 103-20 General applicability of presumptions.

The presumptions set forth in this Chapter, subject to the limitations contained therein, shall also be applicable to the enforcement and the prosecution of building and zoning Greenport Village Code violations.

Section 103-21 Appeals of Building Inspector Determinations

An appeal from the Building Inspector's determination may be taken to the Board of

Trustees, by written request, within 30 days of such determination. The Board of Trustees shall hold a public hearing on such appeal within sixty (60) calendar days after receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining or reversing such determination within thirty (30) calendar days after close of such public hearing.

Section 103-22 Penalties for offenses

A. The first violation of this Chapter within an eighteen (18) month period by the owner(s) and/or tenant(s) shall be punishable by a fine of not less than \$ 500 nor more than \$1,500.

B. The second violation of this Chapter within an eighteen (18) month period shall be punishable by a fine of not less than \$1,000 nor more than \$2,500.

C. The third violation of this Chapter within an eighteen (18) month period shall be punishable by a fine of not less than \$1,500 nor more than \$5,000.

D. Each day that a violation of this Chapter should exist shall constitute a separate violation of this Chapter.

E. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of this Chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply. Each day's continued violation shall constitute a separate additional violation.

F. A violation existing at the premises shall be a violation by both the tenant and the owner and at the sole discretion of the Village either the tenant or the owner or both the tenant and the owner may be charged with and prosecuted for the existence of a violation.

G. Additionally, in lieu of imposing the fine authorized by this Chapter, in accordance with Penal Law § 80.05(5), the court may sentence the defendant(s) to pay an amount, fixed by the court, not exceeding double the amount of the rent collected over the term

of the occupancy.

H. The court may dismiss the violation or reduce the minimum fine imposed where it finds that the defendant has cooperated with the Village of Greenport in the investigation and prosecution of a violation of this Chapter.

I. Where authorized by a duly adopted resolution of the Board of Trustees, the Village Attorney may bring and maintain a civil proceeding, in the name of the Village, in the Supreme Court, to permanently enjoin the person or persons conducting, maintaining or permitting said violation or for other relief as may be appropriate or to take such other civil action as may be necessary to correct, prevent or remove a violation or unsafe and hazardous condition. The owner and tenants of the residence wherein the violation is conducted, maintained or permitted may be made defendants in the action. The commencement of a civil proceeding by the Village shall not be deemed or construed to be a waiver by the Village of the right to bring an action for prosecution or enforcement of the violation and the fines and penalties under this Section or as otherwise may be applicable under the law and the election of either a prosecution or civil proceeding by the Village shall not be exclusive of any other remedy. The Village shall be entitled to an award of all costs in the proceeding, including but not limited to administrative, engineering, filing, and other costs and legal fees, and to bring a separate action for those costs as may be necessary.

J. The Village shall have the right, after the determination by the Building Inspector, or other appropriate official or employee of the Village, that a dangerous, hazardous or unsafe condition exists on a premises that is subject to this Chapter, after the expiration of ten (10) calendar days from the date of the mailing of written notice to the owner and the occupant served by regular and certified mail return receipt requested, to enter the premises and cure, correct or repair the dangerous, hazardous or unsafe condition, and all costs and expenses associated with that action by the Village, (including administrative, engineering and professional fees in the

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amount of 25% of the actual costs and expenses incurred in curing, correcting or repairing the condition), shall be reimbursed by the owner of the property to the Village, and in the event that the amount has not been paid to the Village within ten days of the date of billing, the amount shall become a lien on the property and billable in the next Village real estate tax bill for that property. The notice required in this section shall not prejudice or affect any other right that the Village may have under the law to address or remedy a dangerous, hazardous or unsafe condition, including the right to immediately enter the property to correct a condition that is an imminent danger to life, property or public safety.

Severability

In the event that one or more of the provisions of this local law or Chapter shall be deemed to be unenforceable, the remaining provisions of this local law or Chapter shall remain in full force and effect.