

## TOWN OF ELLERY

### VACATION RENTAL PERMIT APPLICATION

Property Location \_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Phone: \_\_\_\_\_

Agent or Broker: \_\_\_\_\_

Agent/Broker Address: \_\_\_\_\_

Agent/Broker Phone: \_\_\_\_\_

Local Contact and Phone: \_\_\_\_\_

Occupancy Load of Premises: \_\_\_\_\_

Please Attach the Following:

- Scaled plan showing lot, location of buildings and improvements and parking.
- Proof of ownership.
- Certification of operable smoke detectors and carbon monoxide detectors.
- Garbage/Trash pickup schedule.
- Copy of written list of rules to be posted in dwelling unit.
- Written certification that above mentioned rules are posted conspicuously.
- Any additional information required by Code Enforcement Officer.

\_\_\_\_\_  
Signature of Owner Date

\_\_\_\_\_  
Approval of Code Enforcement Officer Date

- E. Sign Requirements** - All signs shall follow the regulations as set forth in *Section 617* (Signs) of the Town of Ellery Zoning Law.
- F. Public Display of Certain Matter Prohibited** - Materials offered for sale from "adult news-racks" shall not be displayed or exhibited in any manner which exposes to the public view any picture or illustration depicting any "specified sexual activity" or any "specified anatomical area". Material offered for sale or viewing at any adult entertainment shall not be displayed or exhibited in a manner which exposes any depiction of "specified sexual activity" or "specified anatomical areas" to the view of persons outside the building or off the premises on which such store or theater or use is located.
- G. Restrictions Cumulative In Nature** - The restrictions set forth in this law are in addition to any applicable provision of the Zoning Law of the Town of Ellery. In the event of any conflict between any such provisions, the more restrictive provisions shall be applied.

#### **SECTION 641 – Transient / Commercial Use of Dwelling Units**

The following transient/commercial use of dwelling units should be included in the Uses by Right in all zoning districts in the Town of Ellery with the exception of the Single-Family Residential "R-1" District and the Single-Family Residential "R-1 WB" District.

#### **THE TRANSIENT/COMMERCIAL USE OF A DWELLING UNIT, SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. Criteria Required:** Prior to undertaking such transient use, the owner of the premises upon which the use shall be exercised shall supply, in writing, the following information to the Town of Ellery Zoning Enforcement Officer:
- Street address and section, block and lot number(s) of the premises as set forth on the official Town of Ellery Tax Map.
  - A plan, drawn to scale, showing the lot, location of the improvements and available parking area.
  - Proof of ownership and the name, address and telephone number of each and every person or entity with an ownership interest in the premises.
  - Full name, address and telephone number of any agent or real estate agent or broker acting on behalf of the owner or owners with respect to renting or leasing the premises.
  - Occupancy load of the premises.
  - Certification of operable smoke detectors and operable carbon monoxide detectors located on the premises.
  - Name, address and telephone number of a local contact person available to respond to any and all complaints concerning the transient use of the premises within 24 hours after said complaint is filed with the Town of Ellery.
  - Garbage/ trash pickup schedule for the property.
  - A copy of the written list of rules to be posted in the dwelling unit for the renters. Certain rules are mandatory such as no fireworks permitted, no tents on the premises and quiet hours are from 10:00 p.m. to 7:00 a.m. weekdays and midnight to 7:00 a.m. on weekends.
  - Written certification that the above mentioned rules will be conspicuously posted in the premises.
  - Any additional information required by the Code Enforcement Officer to determine compliance with the provisions of this Section.



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- B. Upon the submission of the written documentation as set forth above, together with a determination that the premises are not in violation of any of the provisions of the Town of Ellery Zoning Code, the Town of Ellery Zoning Code Enforcement Officer shall issue a Vacation Rental Permit for the transient/commercial use of the premises.
- C. It shall be unlawful for any owner, tenant, agent or other representative of the owner to rent, lease, advertise or hold out for rent any dwelling unit for transient/commercial use without a Vacation Rental Permit.
- D. Transient/Commercial Use shall be defined as follows:  
Transient/commercial use of a dwelling unit shall mean a commercial use of the dwelling unit wherein it is rented, leased or assigned for a term less than 28 days duration. It does not include hotels, motels and RV spaces which are specifically addressed in each Zoning District in the Town of Ellery Zoning Law.
- E. A Vacation Rental Permit may only be issued for one dwelling unit per lot or adjoining lots under a common ownership.
- F. Violations. A complaint alleging a violation of the provisions and requirements set forth herein maybe filed with the Code Enforcement Officer of the Town of Ellery. Such complaint shall be in writing and signed by a person having personal knowledge of the facts alleged therein. The Code Enforcement Officer of the Town of Ellery shall then cause an investigation to take place based on such written complaint. In the event that such investigation results in the Code Enforcement Officer having reasonable belief that the violation has occurred, a Notice of Violation shall be served either personally or by the United States Postal Service upon the owner, owners or agents thereof setting forth the nature of the violation. Said Notice of Violation shall specifically set forth any terms and conditions of the Town of Ellery Zoning Law which it is alleged have been violated.
- G. Penalties. Any violation of the provision of this Section by any person shall be punishable as set forth in *Section 1202* of the Town of Ellery Zoning Code.
- H. Any signs displayed on the premises advertising the same for lease or rent shall be in compliance with *Section 617* of the Town of Ellery Zoning Law.
- I. A Vacation Rental Permit shall be revoked by the Zoning Board of Appeals after finding two separate violations of the requirements and provisions of this Section by the permit holder within a time period of 2 years or for any material misrepresentation of information provided, required by Paragraph 1 of this Section, after the permit holder is given notice and a hearing is held by the Zoning Board of Appeals.

#### **SECTION 642 - Seasonal Recreation Camps (Private)**

- A. **Purpose** - This section is created for the purpose of preserving rural character and providing protection for existing uses.
- B. **Conditions** - The following conditions shall apply:
1. **Lot Size** - A minimum lot size of 5 acres shall be required.
  2. **Floor Space** - Any habitable recreational camp structure shall, as a minimum, be 150 sq. ft. of living area.
  3. **Structure Location** - A minimum front yard setback of 200 feet shall be required.
  4. **Construction** - The type, size and method of construction shall be considered. Mobile homes, trucks and bus bodies shall not be used for a dwelling unit.
  5. **Buffer Zones** - Existing natural buffers should be retained to the greatest degree possible and new buffers should be considered where it is apparent that they are necessary.
  6. **Permit** - When more than one dwelling unit is being proposed to be placed on the property owned by the applicant, a Special Use permit shall be required. For a single dwelling, a "By Right" permit shall be utilized.

