

Current Code as of 10/20/2026:

§280-4 Definitions.**TRANSIENT RENTAL AMENITY**

The rental of any parcel amenity, accessory use or yard area, including pools, barns (except for storage-only purposes), sports courts or waterway access, separate from not in conjunction with a valid ~~dwelling or~~ dwelling unit rental ~~occupancy~~ permit.

TRANSIENT RENTAL PROPERTY —

(1) This definition will be replaced by the definition of SHORT-TERM RENTAL upon the effective date of Article XXXVIII Short-Term Rental Permits

~~(1)(2)~~ A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or a family member of the owner, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation for a period of less than 14 nights. For the purposes of this chapter, the term "transient rental property" shall mean all non-owner-occupied, single-family residences, two-family residences, and townhouses rented for a period of less than 14 nights and shall not include:

- (a) 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.
- (b) A dwelling unit located on Fishers Island, due to the unique characteristics of the Island, including the lack of formal lodging for visitors.

~~(2)(3)~~ The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

- (a) The dwelling unit is offered for lease on a short-term rental website, including Airbnb, HomeAway, VRBO and the like; or
- (b) The dwelling unit is offered for lease in any medium for a period of less than 14 nights.

~~(3)(4)~~ The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer for the Town of Southold or Town Justice that the dwelling unit is not a transient rental property.

§ 280-111. Prohibited uses in all districts.

J. Transient rental properties. This subsection will be replaced by the Short-term rental permit code upon the effective date of Article XXXVIII Short-Term Rental Permits

K. ~~and~~ Transient rental amenities. [Amended 8-29-2023 by L.L. No. 25-2023]

Policy Question 2: Fishers Island

The current transient rental definition excludes Fishers Island because of its unique characteristics and lack of formal lodging. The draft STR code has no exclusion, so it would apply and give Fishers its own hamlet cap. The new Code should say expressly how Fishers Island is treated.

Option A: Exclude Fishers Island from the STR code and keep the existing exclusion.

Option B: Include Fishers Island under the same permit, lottery and cap rules, and remove the existing exclusion.

Option C: Include Fishers Island in the permit, insurance, safety and registration rules, but not the cap and lottery.

Proposed Code as of 10/20/2026:**Article XXXVIII Short-Term Rental Permits****§ 280-232. PURPOSE.**

This Local Law amends the Southold Town Code to regulate Short-Term Rentals as a land use within the Town of Southold. Short-Term Rentals have increased in number and intensity, creating land-use impacts that affect the character, stability, and long-term housing supply of residential neighborhoods. Consistent with the Town's zoning authority to regulate use, intensity, density, and the distribution of land uses, this Local Law establishes standards for the permitting, operation, and location of Short-Term Rentals.

The Town of Southold is a historically significant, low-density community characterized by its pastoral landscapes, working farms, and coastal hamlets. With roughly one-third of its land in agriculture and expansive natural resources framing its residential areas, Southold offers a mix of historic charm, environmental beauty, and a strong sense of place. While tourism is an important economic driver and a core industry identified in the Town's Comprehensive Plan, an over-concentration of transient lodging uses can threaten the residential nature of neighborhoods, alter community character, and diminish the quiet enjoyment of surrounding properties.

Therefore, this Local Law seeks to balance the property interests of all homeowners, those who offer Short-Term Rentals and those who live adjacent to them, by managing the intensity and distribution of transient uses while protecting neighborhood character and the Town's long-term housing stock.

This Local Law aims to achieve the following objectives:

- (1) Regulate the intensity and distribution of Short-Term Rentals to ensure compatibility with surrounding zoning districts and established residential patterns.
- (2) Preserve the small-town residential character of Southold, consistent with the Town's Comprehensive Plan.

- (3) Protect the stability, quiet enjoyment, and long-term value of residential neighborhoods by preventing over-commercialization and the creation of transient lodging clusters.
- (4) Maintain housing opportunities for year-round residents by managing the conversion of dwelling units to transient use.
- (5) Ensure that existing infrastructure, including parking, private septic systems, and local roadways, can safely and adequately support Short-Term Rental activity.
- (6) Promote the safe and responsible operation of Short-Term Rentals through clear permitting and compliance standards.
- (7) Allow property owners to participate in limited and well-regulated visitor lodging without compromising neighborhood integrity or the community's long-term interests.

These regulations promote orderly land-use development, protect neighborhood character, preserve housing options for residents, and ensure that Short-Term Rentals operate in a manner consistent with the Town's Comprehensive Plan and the public interest. Accordingly, Short-Term Rental use within the Town is a regulated privilege and not a right, subject to the standards, limitations, and allocation procedures established herein.

§ 280-233. DEFINITIONS

BOOKING TRANSACTION: Any reservation and/or payment service provided by a person or entity who facilitates a short-term rental transaction between a prospective guest and a short-term rental operator.

Note: Cesspool Definition added for clarity.

CESSPOOL: Any buried chamber, including, but not limited to any perforated metal tank, perforated concrete or block vault or hollow excavation, which receives direct discharges of wastewater from a building sewer for the purpose of collecting solids and discharging liquid to the surrounding soil. [Definition adopted from Suffolk County Sanitary Code, Article 6, § 760-603.]

CHANGE IN OWNERSHIP: A transfer of ownership, whether by deed, by membership interest in the case of a limited liability company, by partnership interest in the case of a partnership, or by shareholder interest in the case of a corporation. Neither the death of an owner leaving a surviving joint tenant(s) with right of survivorship or tenant by the entirety, nor real property conveyances between spouses, nor real property conveyances, without consideration, from individuals to an entity of which the transferors are principals shall constitute changes in ownership for purposes of this Chapter.

GOOD NEIGHBOR GUIDELINES: A set of rules designed to ensure that short-term rental (STR) operations respect the rights of neighboring residents and contribute to the well-being of the community. These guidelines are intended to promote responsible behavior by STR guests, minimize disturbances, and foster positive relationships between operators, guests, and

neighbors. These guidelines shall include at minimum: parking plan, waste removal plan, and septic/sanitary system guidance relevant to the property.

GUEST or "INVITEE": A person who occupies or uses the whole or part of any short-term rental property with the Owner's consent but without any lease or right of possession.

HOSTING PLATFORM: Any person or entity that, for a fee, commission, or other valuable consideration, provides a means through which a property owner or operator may offer a dwelling unit, or portion thereof, for short-term rental occupancy. Such service is typically provided through an online platform or website that advertises, lists, or facilitates short-term rental bookings and may include the collection or processing of payments for such bookings.

OPERATOR: Any person authorized to act on the Owner's behalf and available to promptly remedy any violation of this Section. The Operator may be the Owner, a property management company hired by the Owner, or an agent designated in writing by the Owner. The Operator must be physically present and available to arrive at the Short-Term Rental Property not longer than 60 minutes after being notified of an issue at the Short-Term Rental Property and must be available 24 hours per day, 7 days per week, for the duration of the rental.

OWNER: Any individual or individuals, partnership, corporation, or other organization possessing and having a fee interest and/or control over the property. The term "Owner" shall include a corporation, limited liability company, partnership association, trustee, or other business entity or nonbusiness forms of ownership.

PARKING PLAN: A site plan or diagram showing the location, size, and configuration of all off-street parking spaces required by this Chapter. The plan must depict each parking space in a rectangular configuration of at least 9 feet by 20 feet, identify which spaces are assigned to the short-term rental, and demonstrate compliance with the maximum occupancy and bedroom count.

Policy Question 4: Short-Term Rental Permit Cap

The draft limits STR permits to 1% of the residential dwelling units in each hamlet. Is 1% the right limit, or should a different cap apply? See attached analysis.

PERMIT CAP: The maximum number of Short-Term Rental permits permitted within each hamlet, which shall not exceed one percent (1%) of the residential dwelling units within such hamlet. The number of residential dwelling units per hamlet shall be determined by the Planning Department based on the most current Town Assessor's records and presented to the Town Board for establishment by resolution. The Permit Cap for each hamlet shall be reviewed and, if necessary, re-established by the Town Board prior to each biennial lottery cycle.

PRIMARY RESIDENCE: A place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning. A person may have only one (1) Primary residence at a time; and, once a permanent residence is established in a foreign state or country, it is presumed to continue until the person shows that a change has occurred. The establishment of a primary residence in the Town is a

factual determination to be made by the Town of Southold Code Enforcement Official, based on objective evidence such as, but not limited to: a driver's license or non-driver ID, voter registration, state income tax filings, school district registration, utility usage records, or other documentation demonstrating year-round occupancy.

SHORT-TERM RENTAL (STR): Rental of any dwelling or dwelling unit, in whole or in part, to any person, persons, or entity for a period of less than 30 consecutive days, including any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, but expressly excluding accessory dwelling units and accessory apartments. Neither legally established timeshare units, hotels, motels, bed and breakfast establishments, and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered a short-term rental for purposes of this Chapter.

WASTE REMOVAL PLAN: A plan showing how trash and recyclables will be handled and removed at least weekly or after each guest's stay, whichever is more frequent.

§ 280-234. SHORT-TERM RENTAL PROPERTY PERMIT REQUIRED

- A. **Short-Term Rental Permit Required.** A short-term rental permit is a privilege, not a right, and as such, it may be revoked by an officer responsible for enforcing the Town Code of the Town of Southold at any time. Prior to applying for an STR permit, the Owner must first obtain a rental permit as defined and outlined in Article XXXVII Rental Permits. An owner shall obtain a revocable short-term rental permit prior to and whenever a dwelling and/or dwelling unit is to be used for short-term rental purposes. All STR permits are valid for two (2) years unless revoked.
- B. **Occupancy Tax Registration.** No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Suffolk County Treasurer's Office.
- C. **Eligibility, Allocation, and Duration:**
 - (1) STR permits may be issued for dwellings that are the Owner's Primary Residence or an Owner's non-primary residence, subject to the Permit Cap as defined herein.
 - (2) Permits shall be allocated exclusively through a random, publicly administered lottery conducted every two (2) years. All permits shall automatically expire at the end of the two-year term. Permit holders shall have no vested right or expectation of renewal.
 - (3) In the event that eligible applications exceed available permits under the 1% cap, selection shall be made solely through the lottery process, and all non-selected applicants shall have no priority or preference in subsequent lotteries.
 - (4) Expired permits shall only be eligible for reissuance through participation in the next lottery, provided that the Owner and Operator are in full compliance with this Chapter and have no unresolved violations at the time of application. Any pending or unresolved violations shall render the Owner and/or Operator

ineligible for reissuance until all such violations are fully remedied to the satisfaction of the Town.

- (5) The Short-Term Rental Owner must pay a permit fee, as established by resolution of the Town Board, when submitting an application for a Short-Term Rental permit.

§ 280-235. DESIGNATION OF OPERATOR REQUIRED AS PART OF SHORT-TERM RENTAL PERMIT REGISTRATION

- A. Each Short-Term Rental (STR) shall designate an Operator responsible for day-to-day management and compliance with this Chapter. The Operator may be the Property Owner or a written designee of the Owner, which designation must be maintained on file with the Town.
- B. The Operator shall be identified on the Short-Term Rental Permit and in all permit applications.
- C. The Operator shall be available on a 24-hour basis during any rental period and shall respond to any issues, violations, or complaints within sixty (60) minutes. If the Operator is not the Owner of record, the Operator must still meet these availability and response requirements.
- D. The Operator and Property Owner(s) shall be jointly and severally responsible for compliance with all provisions of this Chapter. Failure of the Operator to respond as required shall constitute a violation by both the Operator and the Property Owner(s), subject to the penalties set forth herein.
- E. Any change in the designated Operator must be submitted to the Town in writing within ten (10) business days and shall not take effect until the Short-Term Rental Permit record has been updated.

§ 280-236. SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS

- A. Short-Term Rental Permit Application Requirements. An application for issuance of a short-term rental permit shall be submitted to the Code Enforcement Official, signed by all persons and entities that have an ownership interest in the subject Property, accompanied by payment of the permit fee in an amount to be set by Resolution of the Town Board, accompanied by a copy of the current vesting deed showing how title to the subject Property is held, completed on the form provided and established by the Code Enforcement Official.
- B. Required Application Materials. An application for a short-term rental permit shall at a minimum include the following information:
 - (1) Proof of a current and valid rental permit issued pursuant to Article XXXVII Rental Permits of the Town Code. Applications submitted without a valid Article XXXVII rental permit shall be deemed incomplete and shall not be entered into the lottery.
 - (2) A list of all of the short-term rental Property owners, including names, addresses, telephone numbers, and email addresses. If owned by a limited liability company,

a partnership, a corporation, or another entity, the names, addresses, telephone numbers, and email addresses of such entities' members, partners, shareholders, officers, and principals.

- (3) The name, address, telephone number, and email address of the Owner(s) or Operator authorized to act on the Owner's behalf, who shall be available to promptly remedy any violation of this Section. The contact person may be the Owner or the Operator. This contact person must be physically located and available to respond to complaints within sixty (60) minutes of the subject Property 24 hours per day, 7 days per week.
- (4) If any interest in the property is held in a limited liability company the application shall include the articles of organization.
- (5) A legible Parking Plan, which may be hand-drawn, showing the location and approximate dimensions of all parking spaces, driveways, and access points, the total number of available spaces, and any applicable parking restrictions. The plan must be sufficient to demonstrate compliance with applicable parking and zoning requirements.
- (6) A Waste Removal Plan that outlines the waste disposal procedure and ensures that trash is managed at least weekly or after each guest's stay, whichever is more frequent.
- (7) A street-facing photo of the rental Property, including visible address numbers, to assist in identification.
- (8) Affidavit Requirement: Completion of a signed and notarized Affidavit by the property owner(s) certifying compliance with the following standards:
 - (a) The Short-Term Rental Property shall comply with the most current New York State Uniform Fire Prevention and Building Code.
 - (b) A statement of the number of bedrooms within the short-term rental Property that meets the standards set forth herein.
 - (c) A statement of the number of parking spaces on the Property that meet the standards set forth herein and depicted in the Parking Plan.
 - (d) A statement of Dark Sky Compliance for all exterior lighting as required by Southold Town Code Chapter 172 Lighting, Outdoor.
 - (e) A statement that the property is not served by a cesspool. Properties served by a cesspool are ineligible for Short-Term Rental permits.
 - (f) A statement that the applicant has met and will continue to comply with the standards outlined in this Section.

C. Affidavit Validity and Administration:

- (1) Affidavit certifications shall remain valid during the term of the short-term rental permit. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new Affidavit certification shall be submitted.
- (2) The Code Enforcement Official shall establish the form of the affidavit certification.

D. Owner Disclosures.

- (1) The Owner shall disclose whether they have a financial interest in any other property within the Town that has been or is currently subject to a short-term rental permit, including the nature of the financial interest, the property address, and a copy of any prior or current permit. This disclosure shall be included in the STR permit application and updated if circumstances change.

E. Permit Limitations and Eligibility.

- (1) An application shall not be deemed complete, and shall not be entered into the lottery, unless the applicant holds a valid rental permit issued pursuant to Chapter 207 at the time of application and throughout the term of any Short-Term Rental permit issued hereunder. Revocation or expiration of a Chapter 207 rental permit shall render any Short-Term Rental permit issued pursuant to this Chapter immediately void.
- (2) The short-term rental permit is not transferable in the event of a change of ownership of a short-term rental property, as defined herein.
- (3) There shall be only one short-term rental permit issued per Property. If a property has more than one dwelling or dwelling unit, the permit issued shall be limited for one dwelling or dwelling unit only. And shall not be transferable between dwellings on one property. In the event that a property has more than one dwelling the short-term rental permit shall specify to which dwelling the permit applies.
- (4) There shall be only one short-term rental permit issued per Owner. This includes natural persons and entities such as Limited Liability Companies, Corporations, and other similar entities. A person or entity may not have a legal or financial interest in more than one short-term rental property in the Town of Southold.

§ 280-237. PROCEDURE UPON FILING APPLICATION

- A. The Town Board of the Town of Southold has established a Permit Cap limiting short-term rental use, as determined and periodically reviewed by the Town Board. This decision aims to encourage the availability of year-round housing, promote housing stability, and support the health, safety, and welfare of the citizens of Southold Town.

Policy Question 5: STR Permit Schedule

The draft establishes a lottery every two years but doesn't specify the exact timing of applications, the lottery, or permit issuance. Staff will need time to review applications, confirm lottery processing, and issue permits well ahead of Memorial Day weekend. The first cycle may need a different schedule if staffing and procedures aren't ready by the proposed January 1, 2028 effective date. Should the Code set the schedule, or should the Town Board establish it by resolution?

Option A: Set the dates in the Code.

Option B: Set the schedule by Town Board resolution, allowing flexibility for future cycles and a different timeline for the first cycle.

- B. Short-term rental permits shall be issued through a biennial lottery. The Town Board shall establish the application period, application review schedule, lottery date, and permit issuance schedule for each permit cycle by resolution. The schedule shall allow sufficient time for public notice, application review, eligibility determinations, and permit issuance before the applicable rental season. Only complete applications determined to meet the eligibility requirements of this chapter shall be included in the lottery. Permits shall be issued to selected applicants who satisfy all applicable requirements.
- C. The Code Enforcement Official(s) shall have absolute discretion and authority to revoke any short-term rental permit.
- D. The Code Enforcement Official may reject an application for reasons such as incomplete information, prior permit revocation, non-compliance with the applicable Town or Uniform Code(s), or failure to grant access for inspection or provide a sufficient inspection report by a duly authorized agent or professional.

§ 280-238. LEGAL DUTIES OF SHORT-TERM RENTAL PROPERTY PERMIT OWNERS

- A. Short-term rental Advertisements. The Owner shall ensure that the following information be provided in connection with any short-term rental advertisement and shall ensure, in any event, that each short-term rental listing advertises only one dwelling unit permitted as a short-term rental:
 - (1) The short-term rental owner permit number.
 - (2) The contact information for the designated Operator listed on the STR permit, if applicable.
 - (3) The number of available guest bedrooms as indicated on the owner permit and
 - (4) The total allowable occupancy of the dwelling unit as indicated on the Owner's permit.
- B. Required postings at the short-term rental
 - (1) The Owner shall ensure that a copy of the Short-Term Rental permit is displayed in a location visible from the street and visible to guests and neighbors.
 - (2) The Owner shall ensure that the following are all displayed in a location visible and legible to guests:
 - (a) An evacuation diagram identifying fire escapes and all means of egress from the dwelling unit and the building in which the dwelling unit is located, as applicable;
 - (b) Trash disposal and recycling collection days or policies as outlined in the Waste Removal Plan;
 - (c) Parking Plan;
 - (d) Septic System awareness and water usage guidance;
 - (e) Contact information for the designated Operator.
 - (f) Contact information for the Town's code enforcement department to facilitate reporting complaints.

- C. Short-Term Rental guest use limitations. The Owner shall ensure that a dwelling unit used as a short-term rental is not used to host weddings, wedding receptions, parties, or other events involving persons who are not registered guests of the short-term rental.
- D. Prohibition on subletting and unauthorized transfer.
 - (1) A Short-Term Rental permit shall be issued solely for the use of the specific dwelling unit identified in the permit and shall not be assigned, transferred, sublet, sublicensed, or otherwise conveyed to any other person or entity.
 - (2) The rental of a Short-Term Rental Property shall be limited to a single booking party at any given time, and no portion of the dwelling unit may be separately rented, sublet, or made available for independent occupancy.
 - (3) House-sharing arrangements, including but not limited to co-hosted fractional rentals or arrangements involving multiple simultaneous, independently-booked parties within the same dwelling unit, are prohibited.
 - (4) Any violation of this subsection shall constitute a major violation subject to immediate suspension or revocation of the Short-Term Rental Permit.
- E. The Owner Shall provide a copy of a contract with a garbage removal carter providing for weekly pickup, at a minimum, of garbage removal or proof by letter from the garbage removal carter indicating that full payment for the entire term of the rental has been made OR, in the alternative, an affidavit from the owner acknowledging responsibility for refuse removal in a timely and efficient manner.
- F. Owner/Operator Availability. The Owner shall ensure that the Owner or permitted Operator is available during all periods of guest occupancy, including nights and weekends, to facilitate Compliance with this article. Availability requires, at minimum, that the Owner or Operator be:
 - (1) Accessible by telephone.
 - (2) Able to resolve complaints within one hour of being contacted by neighbors regarding disruptive short-term rentals.
 - (3) Able to resolve complaints within one hour of being contacted by guests.
 - (4) Able to resolve complaints within one hour of being contacted by the Town of Southold and any of its departments.

§ 280-239. DISPLAY OF PERMIT AND NOTIFICATION

- A. Before any renters take occupancy, a hard copy of the short-term rental permit shall be prominently displayed within the rental unit and additional copy shall be affixed to the outside of the front door of the Property at the Owner's expense.
- B. Advertising a rental without the short-term rental permit number listed prominently in the advertisement shall be a violation of this Chapter.
- C. Any offer to rent shall include a disclosure of the short-term rental house policies outlined in the Good Neighbor Guidelines.
- D. The Owner/Operator must ensure that the Code Enforcement Official receives current and accurate information and immediately notify them of any changes.
- E. The Code Enforcement Official shall provide a packet of "Good Neighbor Guidelines" with each permit for the Owner/Operator to complete. The Good Neighbor Guidebook must be provided to all guests upon check-in, prominently displayed in the rental unit,

and reinforced through signage within the Property to ensure that guests are fully informed of the expectations and regulations.

- F. Failure to comply with any of the above-listed standards shall be a violation of this Chapter.

§ 280-240. REQUIRED OFF-STREET PARKING

- A. Number of required spaces. Off-street parking for a Short-Term Rental shall be provided at the rate established for the underlying dwelling under § 280-78A, two spaces for a one-family dwelling, or three spaces for a two-family dwelling per unit rented.
- B. Use of required spaces. Tenants and guests shall park only in the required off-street parking spaces depicted on the approved Parking Plan, and shall not park on the lawn, in the right-of-way, or on the street.
- C. Parking Plan required. The Short-Term Rental application shall include a Parking Plan depicting the required parking spaces consistent with this section and dimensional requirements outlined in § 280-78C.
- D. Incomplete applications. Applications that do not show adequate parking pursuant to this section shall be deemed incomplete.

§ 280-241. PRESUMPTIONS

- A. Presumption of rent. Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof. This presumption shall be rebuttable.
- B. Presumption of a Short-Term Rental. Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this chapter shall be presumed to be rented for a fee as a Short-Term Rental in violation of this chapter if it is offered or advertised on a short-term rental hosting platform as defined in this chapter. The existence of such advertisement shall be prima facie evidence that the dwelling and/or dwelling unit is being rented as a short-term rental in violation of this chapter. This presumption shall be rebuttable.
- C. The apparent ability to rent a property on a Short-Term Rental website for less than 30 days shall create a rebuttable presumption that the property is being rented in violation of this chapter.
- D. Presumption of rental occupancy. Any single-family residence, or any other premises subject to the provisions of this chapter, shall be presumed to be a rental property if such premises is not occupied by the legal owner thereof. This presumption shall be rebuttable.

Presumptive evidence of dwelling unit rental.

- A. The presence or existence of any of the following shall create a presumption that a dwelling unit is rented:
 - (1) The dwelling unit is occupied by someone other than the owner, and the owner of the dwelling unit represents, in writing or otherwise, to any person, establishment,

business, institution or government agency that he resides at an address other than the dwelling unit in question.

- (2) Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.
 - (3) Utilities, cable, telephone or other services are in place or are requested to be installed or used at the dwelling unit in the name of someone other than the owner.
 - (4) Testimony by a witness that it is common knowledge in the community that a person other than the owner resides in the dwelling unit.
- B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

Presumptive evidence of owner's residence.

- A. It shall be presumed that a rental property is not the primary residence of the owner if any of the following sets forth an address other than that of the rental property or seasonal rental property:
- (1) Voter registration;
 - (2) Motor vehicle registration;
 - (3) Driver's license; or
 - (4) Any other document filed with a public or private entity.
- B. The foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 280-242. INSURANCE REQUIREMENTS

- A. The Short-Term Rental Owner shall maintain, at all times during the term of the Short-Term Rental permit, a valid insurance policy providing general liability coverage in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising out of the use of the dwelling unit as a short-term rental.
- B. Such insurance may be satisfied by:
- (1) A homeowner's insurance policy with a short-term rental endorsement;
 - (2) A landlord or dwelling policy applicable to the subject property;
 - (3) A short-term rental-specific insurance policy; or
 - (4) A commercial general liability policy, where applicable.
- C. The Town of Southold shall be named as an additional insured on the policy, and the Owner shall provide a certificate of insurance evidencing such coverage prior to permit issuance.
- D. Insurance coverage provided by a hosting platform shall not, by itself, satisfy the requirements of this section.
- E. The Owner shall execute a hold harmless and indemnification agreement in a form acceptable to the Town Attorney as part of the permit application.

§ 280-243. COMPLAINTS AND VIOLATIONS

- A. The Code Enforcement Official may attach conditions, issue warnings, suspend or revoke permits for violations of the permit or this Section. Decisions to revoke a permit may be appealed to the Town Board of the Town of Southold within 30 days.
- B. In addition to any penalty imposed by a court of competent jurisdiction, an Owner and/or Operator found to violate any provision of this Short-Term Rental Law shall be ineligible to apply for a short-term rental permit for 3 years from the date of a plea or conviction.
- C. The Town may utilize third-party data aggregation and monitoring services to identify and investigate potential violations of this Chapter.

§ 280-244. PENALTIES

- A. Any person, association, firm, corporation, or broker that violates any provision of this Chapter or assists in the violation of any provision of this Chapter shall be guilty of a violation, punishable:
 - (1) By a fine not less than \$3,000 and not exceeding \$10,000 or the thirty-day rental rate, whichever is greater, or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
 - (2) By a fine not less than \$5,000 and not exceeding \$20,000 or the thirty-day rental rate, whichever is greater, and revocation of the short-term rental permit or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of the two offenses, both of which were committed within five years.
- B. Each week's continued violation shall constitute a separate additional violation.
- C. This Section is enacted pursuant to Municipal Home Rule Law § 10(1)(ii) a(9-a) and § 10(1)(ii)d(3) and pursuant to § 10(5) of the Statute of Local Governments, and is intended to supersede Town Law § 268 and any other statute or local law to the extent necessary to increase the minimum and maximum penalties contained therein.
- D. The Tenant and/or Occupant of a Short-Term Rental operating without a Short-Term Rental Permit shall be in violation of this Chapter and be subject to a penalty of up to \$1,000.
- E. Upon motion of the prosecuting attorney, the court may dismiss the violation or reduce the minimum fine imposed where it finds that the defendant had cooperated with the Town of Southold in the investigation and prosecution of a violation of this chapter. Factors which the court may consider include, but are not limited to, a report from the office of the Town Attorney confirming that the defendant did in fact cooperate and whether:
 - (1) The defendant reported the violation(s) to the Town of Southold;
 - (2) The defendant assisted the Town of Southold in investigating and prosecuting the violation(s);
 - (3) The defendant provided access to the rental property or seasonal rental property;
 - (4) The defendant promptly pursued his/her/its own rights under the lease to remedy the violation or adequately pursued an eviction proceeding;
 - (5) All violations existing at the rental property or seasonal rental property have been promptly remediated.

§ 280-245. APPEAL PROCEDURE

Upon a Code Enforcement Official revocation of a Short-Term Rental Permit, the permit holder may file an appeal with the Town Clerk within Thirty days, subject to a fee equal to the Short-Term Rental Application fee. An administrative hearing before the Town Board shall be held, and evidence heard.

The Town Board of the Town of Southold shall be the appellate body charged with the review of the revocation of the Short-Term Rental Permit.

§ 280-246. PERIODIC REVIEW

This Article shall be subject to a mandatory review by the Town Board every five (5) years following its adoption. Following such review, the Town Board may continue, amend, or repeal this Article by resolution or local law.

§ 280-247. SEVERABILITY AND EFFECTIVE DATE

The invalidity of any provision shall not invalidate other provisions. This Local Law shall take effect immediately upon filing with the New York Secretary of State.