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Incorporated Village

of Massapequa Park

VILLAGE HALL, 151 FRONT STREET, MASSAPEQUA PARK, NEW YORK 11762-2794

WEBSITE: www.masspk.com

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DANIEL M. PEARL
DEPUTY MAYOR
TINA SCHIAFFINO
TRUSTEES
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TODD A. SVEC
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CLERK/ADMINISTRATOR
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TREASURER
CHRISTOPHER R. BRIGGS
VILLAGE ATTORNEY
KEVIN M. WALSH
SUPERINTENDENT OF PUBLIC WORKS
ROBERT MACRI

January 25, 2024

General Code Publishers Corp.
781 Elmgrove Road
Rochester, NY 14624

Gentlemen:

Enclosed please find a certified copy of Local Law No. 1 of 2024 for our Code Book that was passed by Resolution No. 17018-2024 on January 22, 2024.

Very truly yours,

Linda Tuminello, RMC
Village Administrator/Clerk

LT: rkg
Enc.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Massapequa Park

Local Law No. 1 of the year 20²⁴

A local law to prohibit short-term rentals in the Village of Massapequa Park.
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Massapequa Park as follows:

Please see attached.

ARTICLE III

SECTION 345-16 A. is amended to include after "dwelling", "other than Transient Rental Property".

SECTION 345-5 B. is amended to include a new definition for "Transient Rental Property".
Transient Rental Property.

(1) A rental dwelling or dwelling unit occupied 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 rental occupation for a period of less than 28 nights. For the purposes of this chapter, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 28 nights and shall not include:

(a) Properties used exclusively for nonresidential commercial purposes in any zoning district; or

(b) Any legally operating hotel/motel business 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.

(2) Presumption of dwelling unit as transient rental property.

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

(i) The dwelling unit or any room therein is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO and the like for a period of less than 28 days; or

(ii) The dwelling is offered for lease in any medium for a period of less than 28 nights.

(b) The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Official that the dwelling unit is not a transient rental property.

(3) No property located in any residential District shall be occupied, used, rented and/or leased as a transient rental property.

NEW SECTION 345-26.1 Penalties for offenses.

- A. A violation of this article is a violation as that term is defined in the New York State Penal Law.
- B. Notwithstanding any provision of this Code inconsistent herewith, for each violation of this article, the owner and any person who is in charge of the subject property at the time of the violation shall be liable for a fine of not less than \$3,500.00 for the first violation; for a second and any subsequent violation, the fine shall be no less than \$7,000.
- C. Each week that the violation continues to exist shall constitute a separate and distinct violation.

NEW SECTION 345-26.2 Enforcement.

- A. The Building Inspector and/or his or her assistants shall be responsible for investigating and documenting violations of any case of illegal occupancy within the Village.
- B. Prosecutions for violations of this article may be instituted in the Village Justice Court, the District Court of the County of Nassau or any other court of competent jurisdiction.
- C. The Village Attorney may, upon direction of the Board of Trustees, institute an action in the Supreme Court of the State of New York, County of Nassau, for appropriate relief where it appears under the circumstances that the imposition of a fine alone would not be adequate.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)~~(Village) of Massapequa Park was duly passed by the Board of Trustees on January 22 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

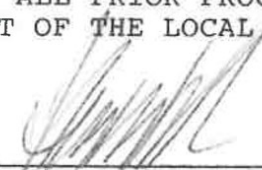
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)

STATE OF NEW YORK
COUNTY OF NASSAU

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE FOREGOING LOCAL LAW CONTAINS THE CORRECT TEXT AND THAT ALL PRIOR PROCEEDINGS HAVE BEEN HAD OR TAKEN FOR THE ENACTMENT OF THE LOCAL LAW ANNEXED HERETO.



Kevin Walsh
Village Attorney
Inc. Village of Massapequa Park

1-22-84
Date

**INCORPORATED VILLAGE OF MASSAPEQUA PARK
NASSAU COUNTY, NEW YORK**

17018-2024 RESOLVED, to Authorize the Mayor and Board of Trustees to adopt a local law to prohibit short-term rentals in the Village of Massapequa Park.

I, LINDA TUMINELLO, the Village Administrator of the Incorporated Village of Massapequa Park do hereby certify that the foregoing is a true copy as extracted from the Minutes of the meeting of the board of trustees held on January 22, 2024 and I hereby set my hand and affix the seal of the Incorporated Village of Massapequa Park this January 23rd day of January, 2024.

(Seal)


LINDA TUMINELLO
VILLAGE ADMINISTRATOR