

LL 02-2020

**INCORPORATED VILLAGE OF OLD FIELD
BOARD OF TRUSTEES**

**A LOCAL LAW AMENDING CHAPTER 121 OF THE CODE OF THE VILLAGE OF
OLD FIELD TO PROHIBIT SHORT-TERM AND PARTIAL RENTALS OF
RESIDENCES**

BE IT HEREBY ENACTED, by the Board of Trustees of the Village of Old Field, as follows:

Section 1. Amendments.

Chapter 121 (Zoning), Article II (Permitted and Prohibited Uses) of the Village Code is hereby amended as follows:

§ 121-8 Prohibited uses.

Without being construed to permit by implication any use not heretofore set forth as a permitted use, the following uses are specifically prohibited:

- A. Commercial cutting of native trees and sawing of timber for commercial purposes; the excavation of gravel, soil, sand and other mineral deposit; and the stripping of sod or topsoil for commercial purposes.
- B. Commercial raising of mushrooms.
- C. Commercial recreation, including polo field, riding club, golf course and similar activities conducted as a business or available to the public for a fee.
- D. Farms for the disposal of garbage; hog ranches; pig and livestock feeding farms; small animal and fur farms.
- E. Laboratory or experimental station, except as an incidental use on the same premises as a college to which such use is accessory, and provided that there in no danger of explosion or radiation therefrom.
- F. Use, storage or parking of automobile trailers designed to be used for human habitation, mobile homes and campers, commercial trucks or trailers on any part of any lot, except that storage or parking thereof shall be permitted in a private garage or behind a screening enclosure approved by the Board of Trustees and located in the rear yard.
- G. Storage or parking of any boats in excess of 14 feet on any part of any lot, except inside a private garage or other accessory building or screening enclosure; storage of boats of less than 14 feet within the front yard of any lot.
- H. Wind energy conversion systems, either as a principal or accessory use and regardless of whether connected to a public utility or private.
- I. Parking or storage of a motor vehicle or trailer within 60 feet of the front lot line of a property unless said motor vehicle or trailer is parked or stored on an approved driveway or is actively being used in connection

with deliveries, repairs, construction or the performing of service to or on the property on which it is parked.

- J. No single-family dwelling or dwelling unit in the Village may be leased or rented for any purpose for a term of less than six consecutive months each time. Notwithstanding the foregoing sentence, a property owner may apply to the Board of Trustees for permission to rent or lease a single-family dwelling or dwelling unit for less than six months. The owner must demonstrate to the Trustees that strict application of this subsection would cause them severe financial hardship that is not self-created. The Board of Trustees shall have sole discretion in determining whether the owner has met their burden. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.
- K. The lease or rent of less than an entire single-family dwelling or dwelling unit shall be a violation of this chapter, regardless of the duration of the term. For purposes of clarity, it is the intent of this subsection to prohibit hotels, boarding houses, bed-and-breakfasts, and similar uses wherein one or more rooms within a single-family dwelling or dwelling unit are leased or rented individually for a period of days, weeks, or longer. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Office of the New York Secretary of State.