

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 4, 2023, 6:00 P.M.
WORK SESSION**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY**

**Call to Order
Pledge of Allegiance
Roll Call**

Discussion

1. Draft Film Code & permit fees.
2. Draft Cash Management Policy.
3. Draft Code of Ethics.
4. Draft Short-Term Rental Code.
5. Professional Agreements.
6. Regular monthly Village Board meetings proposed to begin at 6:30 p.m. instead of 7:30 p.m.

Executive Session, if applicable.

Adjournment

Chapter 66 Film and Video Productions

§ 66-1 Purpose.

It is the purpose and intent of the Village of Warwick to encourage the motion picture and television industries to use the scenic beauty and variety of backdrops afforded in the Village of Warwick as locations for filming and/or videotaping for commercial production. It is the purpose and intent of this chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety, to limit any unwelcome community disruption, and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

§ 66-2 Definitions.

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

CHARITABLE FILMS

Commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

VILLAGE-PRODUCED GOVERNMENT ACCESS FILMS

Motion pictures or programs produced by or in association with the Village of Warwick. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

CONCERT FILMING

The filming a concert event for a not-for-profit or religious entity but shall not include activities occurring for businesses, corporations and for-profit entities that will be distributed, sold and/or broadcast for commercial purposes.

COMMERCIAL PURPOSES

For or contributing to a person or entity receiving a profit.

FILM COMMITTEE

The Mayor and designees approved by the Village Board responsible for approving and making executive decisions regarding film permits on the Board's behalf.

FILM OFFICE

The Mayor's designee responsible for routing and processing film permits.

FILM or FILMING or FILMING ACTIVITY

All activity in preparation of, and attendant to, staging, making, striking, filming or video recording commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

NEWS MEDIA

The photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camera operators.

PERSON

An owner of property or an applicant for a permit under this chapter.

PRIVATE PROPERTY

All areas within the Village of Warwick, including areas zoned for residential as well as business use not otherwise designated as public property.

PUBLIC PROPERTY

Any and every public building, street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Village.

STUDENT FILMS

Motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

STUDIO

A fixed place of business where filming activities are regularly conducted upon the premises.

§ 66-3 Permit required; exemptions.

- A. Film permit required. No person shall, for commercial purposes, use any kind of property, facility, or residence herein or portion thereof owned and/or controlled by the Village of Warwick or affecting the general public to cause, direct or conduct filming activities as defined without first applying for and obtaining a film permit from the Mayor or his/her designee.
- B. Exemptions.
- (1) The following activities shall not require an application or film permit under the provisions of this chapter:
- (a) News media: reporters, photographers or camera operators in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest. News media must notify the Mayor or designee prior to arrival. All effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification.
 - (b) Family or personal use video: the filming or videotaping of motion pictures solely for private-family use.
 - (c) Photographers engaged in still photography that requires the use of handheld cameras or cameras with a tripod only.
 - (d) Village-produced government access films.
 - (e) Filming on private property completed inside a privately owned and operated building on the private property and is not visible to the public, and is in alignment with other Village of Warwick General Code provisions. All effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification. The Village of Warwick assumes no liabilities.
 - (f) Productions using hand-held camera, camera on tripod, hand-held props and/or hand-held equipment, not asserting exclusive use of Village property, not using prop weapons, prop vehicles, stunts, actors in police uniform and not requesting parking privileges for production vehicles. Standing on a Village sidewalk, walkway of a Village bridge or within a Village park while using a hand-held camera and not otherwise asserting exclusive use of public property. Such productions must notify the Mayor or designee of film activity. All effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification.
- (2) A film permit application as required by this chapter shall be completed and submitted without a fee for the following activities:

- (a) Charitable films: projects that qualify under Section 501(c)(3) of the Internal Revenue Code.
- (b) Student films.
- (c) Concert film by a not-for-profit or religious entity.

§ 66-4 Application requirements.

The application for such film permit shall be made upon forms prescribed therefor by the Village and require, at minimum, the following information:

- A. The name, address, telephone number and e-mail address of the applicant.
- B. The name, address and telephone number of the production company and the name, address and telephone number of the production company owner.
- C. The name, address, telephone number and e-mail address of the person(s) in charge of the film production as the contact person.
- D. The street address(es) of the location(s) at which filming will take place.
- E. The dates and hours during which filming activity will occur.
- F. An estimated number of persons, including cast and crew, to be involved.
- G. List of equipment and generator, if any.
- H. Number and type of vehicles.
 - (1) Identify historic or period vehicles or equipment that will be used in the production.
- I. List of any animals, pyrotechnics, hazardous chemicals, demolition of buildings or structures and/or use of residential vehicles proposed to be used and a safety plan to be used by the applicant in the event such items are used during the production.
- J. Plan to minimize disruption of community, traffic, and parking.
- K. Requests for Village services and equipment, including, but not limited to, signs, barricades.
- L. Insurance:

1. Permittee shall procure at its sole cost and expense insurance providing coverage to the Village of Warwick for claims for damage to property and personal injury, including death, which may arise from the conduct of the Permittee, its agents, employees, contractors and guests and for the performance of any services performed in conjunction with this Permit authorized by the Permittee.

2. Upon submission of a Film Permit Application and commencement of any activities under this Permit, the Permittee shall provide a current insurance certificate evidencing the following insurance coverage:

I. Notwithstanding any terms, conditions, or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the Village of Warwick as an additional insured on the permittee's insurance policies.

II. The policy naming the Village of Warwick as an additional insured shall:

- Be an insurance policy from an A.M. Best rated "secure" or better insurer, licensed in New York State.
- State that the organization's coverage shall be primary and noncontributory coverage for the Village, its Board, employees and volunteers.
- The Village of Warwick shall be listed as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
- At the Village's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.

III. The permittee agrees to indemnify the municipality for any applicable deductibles and self-insured retentions.

IV. The insurance producer must indicate whether or not they are an agent for the companies providing the coverage.

V. Required Insurance - No less than the following:

1. General Liability Insurance: \$1,000,000 per occurrence/ \$2,000,000 aggregate

2. Excess Insurance: \$3,000,000 each Occurrence and Aggregate. Excess coverage shall be on a follow-form basis.
3. Property Damage: \$1,000,000 aggregate
4. Bodily Injury: \$1,000,000 per occurrence
5. Fire Insurance: \$1,000,000
6. Any activities involving stunts, vehicular damage, pyrotechnics, explosions, etc. may require additional insurance coverage. This additional coverage will be negotiated prior to the signing of this contract and included here as Excess Insurance Provisions.

VI. User acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the municipality. The user is to provide the municipality with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the Village to object to the contents of the certificate or the absence of it shall not be deemed a waiver of any and all rights held by the Village.

VII. The Village is a member/owner of the NY Municipal Insurance Reciprocal (NYMIR). The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the Village but also NYMIR, as the Village's insurer.

VIII. Workers' compensation insurance: An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a film permit.

IV. Hold-harmless agreement: Applicants shall execute a hold-harmless agreement as provided by the Village prior to the issuance of a film permit under this chapter wherein the applicant shall defend, hold harmless and indemnify the Village of Warwick against any and all claims, proceedings or action brought in connection with or as a result of the filming and/or recording activities.

§ 66-5 Filing of application; issuance of permit.

- A. The application for a film permit shall be filed with Village Hall in completed form together with all applicable fees no less than 14 days prior to the commencement of such filming activities.

- B. The issuing authority shall be the Film committee. The Film committee may deny a permit in his or her sole and absolute discretion.
- C. Any change in the applicant's/permittee's planned activities as set forth in the film permit applications shall be submitted to the Mayor or his/her designee at least 24 hours in advance of the change and approved or denied in the same manner as the original film permit application.

§ 66-6 Fees.

- A. Fees shall be adopted by resolution of the Village Board.
- B. Each application shall be accompanied by a fee at the time of its submission as set forth in Chapter 63, Fees. The fee shall compensate the Village for its examination and processing of such application and shall not be refundable in whole or in part. Chapter 63, 'Fees' authorizes the VB to amend the schedule of fees from time to time by resolution..
- C. No film permit shall be issued to an applicant who owes the Village money on a prior permit.

§ 66-7 Additional restrictions.

- A. The applicant/permittee shall, in the credits of the motion picture or television program, acknowledge the production was filmed in the Village of Warwick, New York.
- B. All filming activities, including setup and takedown activities, shall take place in the hours specified in the film permit.
- C. Filming and/or recording activities shall comply with all the requirements and standards of Chapter 94, Noise and other chapters, as applicable, of this Code of Ordinances.
- D. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.
- E. Filming on private property must be conducted with the property owner's written permission, consent and/or lease for use of property not owned or controlled by the Village. No filming may take place on a property with open Zoning Code, Building Code, Property Maintenance and/or Fire Code violations.

- F. Filming and/or recording activities shall comply with all requirements of the New York State Vehicle and Traffic Law and Chapter 135, Vehicles and Traffic, and any other applicable chapters of this Code of Ordinances, except as follows:
- (1) The applicant/permittee shall obtain permission of the Mayor to park equipment, trucks, and/or cars in "no parking," "no standing" and "no stopping" zones and will provide the signage detailing the date(s) and time(s) of the filming and parking restriction and these signs shall be posted by the applicant/permittee at least 24 hours prior to parking vehicles or equipment.
 - (2) The applicant/permittee shall obtain the permission of the Mayor to string cable across sidewalks, or from generator to service point. Such cable or electrical lines shall be marked, taped and/or secured to avoid creating a hazardous condition.
 - (3) The applicant/permittee shall furnish and install advance warning signs and any other traffic control devices required in order to take all appropriate safety precautions.
 - (4) Traffic may be restricted to one twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the Village, based on location.
 - (5) Traffic shall not be detoured across a double line without prior approval of the Village.
 - (6) Unless authorized by the Village, camera cars must be driven in the direction of traffic and must observe all traffic laws.
- G. Any emergency roadwork or construction by Village crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.
- H. Filming and / or recording activities requiring a permit must obtain written approval from the Police Department that they have been notified of the event and detailing any assistance to be provided.
- I. A permittee under a film permit shall be required to personally deliver or to mail a copy of the film permit or a letter of intent to film to all owners of real property located within 100 feet of the property line of the filming and/or recording site as shown on the latest assessment roll of the Town of Warwick assessor and to all owners of real property located on the same street as the filming and/or recording site who are located within 300 feet of a property line of such site at least two days for personal delivery or four postmarked delivery days for mailing prior to the first day of filming and/or recording. The Mayor may require notice to additional owners of real property in the vicinity if conditions of the filming and/or recording so require.

§ 66-8 Authority to promulgate regulations; waiver of provisions.

- A. The Mayor may promulgate additional regulations in furtherance of the findings and purpose of this chapter.
- B. The Film committee may grant a waiver of a part or parts of this chapter, and/or other Village ordinances if the committee is so authorized therein, for a particular filming and/or recording event on the committee's written finding that such waiver would be in the public interest of the surrounding neighborhood and/or Village as a whole.

§ 66-9 Permit revocation or suspension; appeals.

- A. Permit revocation. A film permit may be revoked by the Village film office if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.
 - (1) Notice of the grounds for revocation of the film permit shall be provided, in writing, to the permit applicant or person in charge at the location of the filming activity.
 - (2) Appeals of the film permit revocation shall be conducted in the manner specified in this chapter.
- B. Permit suspension. The Town Police Department and/or Fire Department officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the film permit suspension shall be provided, in writing, by the Village film office to the permittee within two working days of the suspension.
- C. Appeals. The film permit applicant or permittee may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the Village film office not later than five working days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the Village's film committee. The decision of the Village film committee shall be rendered in five working days and shall be final and is subject to judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules.

§ 66-10 Penalties for offenses.

- A. Each and every violation of this chapter shall be punishable by a fine of not less than \$250 and/or imprisonment not exceeding 15 days for each and every day a violation of this chapter is found to exist.

- B. The imposition of such fine and/or imprisonment shall not be the Village's exclusive remedy in the event of a violation and the Village shall have the right to pursue any and all other legal and equitable remedies available to it in connection with any violation of this chapter.

§ 66-11 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Village Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

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VILLAGE OF WARWICK CASH MANAGEMENT POLICY

I. Purpose

To establish sound cash management practices to ensure efficient utilization of cash in a manner consistent with the overall strategic goals of the Village. In this context, cash would be defined as coins, currency, checks, money orders, credit, ACH payments and e-check payments.

II. Monitoring

- A. All activity and balances in the primary accounts shall be monitored by the Office of the Treasurer to assess the cash necessary to meet daily obligations and ensure adequate funds are available.
- B. The Office of the Treasurer is responsible for the transfer of funds between bank accounts maintained by the Village. This includes, but is not limited to:
 - 1. Establish the daily cash position of the Village.
 - 2. Appropriately manage the general, water and sewer operating funds for Village disbursements and obligations.
 - 3. Transfer depository funds for investment purposes of the Village.
 - 4. Maintain the ability to pay obligations when they become due.
 - 5. Obtain both short and long-term borrowed funds when required and approved by the Board of Trustees in a timely manner at an acceptable interest rate.

III. Segregation of Duties

Segregation of duties is a commonly used and widely accepted internal control practice. Implemented effectively, this control reduces the risk that any employees will be able to carry out and conceal errors or fraud in the normal course of their duties without being detected. In general, there are three categories of duties or responsibilities that are examined when segregation of duties is discussed:

- A. Custody of cash
- B. Authorization or approval of transactions
- C. Recording or reporting of related transactions.

Ideally, employees performing any one of the above functions would also not have responsibilities in either of the other two functions. The objective of segregation of duties is to prevent one person from having access to assets and responsibility for maintaining the accountability or authorizing transactions affecting those assets. Due to limited staff available, the administration of the three functions above is delegated to the Treasurer with consultation of the Mayor.

IV. Cash Receipts

- A. Collection Procedures

1. Employees responsible for collecting cash:
 - a. Clerk's office
 1. Village Clerk
 2. Deputy Clerk
 - b. Treasurer's Office
 1. Treasurer
 2. Deputy Treasurer
 - c. Water Department
 1. Water/Sewer Billing Clerk
 - d. Building Department
 1. Planning/Zoning/ARB/AHDRB Secretary
 2. Building Inspector
 3. Assistant Building Inspector
 - e. Recreation Department
 1. Treasurer
 - f. Department of Public Works-Metered Coin
 1. Treasurer
 2. Deputy Treasurer
2. A receipt book must be maintained for each department responsible for collecting cash and a receipt must be written for each payment received. The receipt must include the name of the payee, amount of payment, payment method (cash, check, ACH, or money order) check number if applicable, receipt number, and signature of employee recording the transaction. For tax collections, a paid receipt is printed from the tax collection system and mailed to the resident.
3. Endorse checks upon receipt (For Deposit Only) with Village of Warwick stamp.
 - a. Checks for amounts greater than the amount due may be accepted for the following reasons:
 1. Tax overpayments may be received. The tax collector will accept the overpayment into the tax collection software, generate an entry in the Duplicate/Overpayment Report, and deposit the overpayment. The clerk will submit the overpayment information, Duplicate/Overpayment Report, and voucher for reimbursement to the treasurer to process at the next Village Board meeting. The reimbursement payment will be returned to the clerk to enter the refund in the tax collection software, generate an overpayment letter, and mail the letter and refund to the payee
 2. Duplicate tax payments may be received and either returned or deposited.
 - a. A duplicate tax payment may be returned when the payment only includes funds for parcels that have previously been paid. The tax collector will record the duplicate payment in the tax collection software, generate a return of payment letter, and mail the letter and original payment back to the payee.
 - b. Duplicate tax payments may be deposited when the payment includes funds for both previously paid AND

unpaid parcels. The tax collector will enter the payment, including duplicate payments, into the tax collection software, generate an entry on the Duplicate/Overpayment Report, and deposit the duplicate payment. The clerk will submit the duplicate payment information, Duplicate/Overpayment Report, and voucher for reimbursement to the treasurer to process at the next Village Board meeting. The reimbursement payment will be returned to the clerk to enter the refund in the tax collection software, generate a refund letter, and mail the letter and refund to the payee.

3. Water/Sewer rent payments received for amounts greater than the current amount due. The water billing clerk accepts the overpayment and applies the credit towards the next billing cycle.
4. Cash collections from all departments must be given to the Treasurer's office by the end of the work week along with a detail report of the collection. Any cash collections held by a department must be locked in a secure location as approved by the Treasurer.
5. Treasurer's office issues a numbered general receipt to log every deposit collected from each department.

B. Deposit Procedures

1. Deposit collections in a timely fashion – preferably within 48 hours. When not possible to deposit collections within 48 hours, deposits must be made within 10 days as recommended by the Office of the State Comptroller. Secure all undeposited collections in the file cabinet locked within the safe/vault in Clerk's office until deposited.
 - a. Remote deposit capture
 1. The treasurer and the deputy treasurer have remote deposit check scanners
 2. All checks will be scanned using the corresponding banks scanner and remote deposit capture websites
 3. A receipt of deposit will be printed after all checks have been scanned and verified
 4. Scanned checks will be kept in the safe/vault for a period of six months. After six months, the checks will be shredded by the Treasurer's office. (In accordance with the NYS LGS-1 schedule item 476, 'original check, money order, or similar instrument of payment received and kept by local government, scanned and deposited to bank account, or retained by the local government for any other reason must be retained 60 days after deposit and verification of account information or no longer needed for any purpose).
 - b. Smart safe-Orange Bank & Trust
 1. The smart safe is in Village Hall and is a depository for cash and coins for the Operating Bank Account only.

2. Any cash/coin deposits will be made using the smart safe.
3. Once cash/coin is deposited into the smart safe, a receipt prints and needs to be attached with the cash receipt.

c. Cash deposits for Webster Bank

1. Cash deposits for bank accounts held at Webster bank will need to be made at the branch. A receipt must be received by the bank.
2. Deposit receipts must identify the composition of cash collected and individual checks deposited.
3. The Treasurer must be the final custodian of all cash receipts.
4. The Treasurer must compare each cash receipt deposit to the monthly bank statement as part of the bank reconciliation process.
5. Credit Card payments/e-checks/ACH payments received online and in-person for tax collection, recreation fees, water/sewer rents are deposited in a separate credit card bank account.
 - a. Water billing credit card payments are reconciled daily by the water billing clerk.
 - b. Tax credit card payments are reconciled daily by the Clerk's office.
 - c. Recreation credit card payments are reconciled daily by the Treasurer.

C. Record Keeping Procedures

1. The Treasurer records receipts in the Village's finance system daily or as timely as possible.
2. Employees responsible for collecting cash and preparing bank deposits should not record cash transactions in the financial system or reconcile the bank statement.

V. Cash Disbursements

A. Check Preparation Procedures

1. The Treasurer is responsible for ordering checks, to oversee check inventory, and to identify reasons for gaps in the numbering sequence. The Deputy Treasurer is responsible for check preparation after each Board of Trustees approved audit of claims.
2. Issue pre-numbered checks in sequence.
3. Never make checks payable to "cash" or "petty cash".
4. Restrict the use of manual written checks to credit card bank account transfers.
5. The Board of Trustees has allowed by resolution an advanced approval of claims. This authorizes payment in advance of audit of claims for public utility services including electric, gas, water, sewer, telephone/internet services, postage, freight, and express charges. All such claims must be presented at the next regular meeting for audit of claims.
6. All claims/invoices are entered into the Village's finance system to assign a voucher/purchase order number for the Board of Trustees approval at their next meeting.
 - a. Planning board escrow and building permit refunds require a motion at the next Board of Trustees meeting. After approval a voucher/purchase order number can be assigned, and a refund check can be issued.

7. Voucher/PO entries should contain as much detail in the description, invoice number and other important notes that identify the reasons for the payment.
8. Identify each group of entries with a unique Batch ID. Printout each Batch ID with a PO listing report that details each voucher/PO number issued by vendor, description of service, budget code charged and payment amount.
9. Deputy Treasurer will total all batch ID's and prepare the total audit of claims amount to be approved by the Board of Trustees at their next meeting.

B. Check Signing Procedures

1. The official responsible for check preparation and signing should not have the authority to solely audit and approve claims for payment. The Board of Trustees audits and approves claims.
2. Limit check signing authority to as few officers as possible and only to those positions authorized by law to sign checks. Presently, the Treasurer and Mayor are authorized to sign checks. The Deputy Mayor is authorized to sign checks when the mayor is unable to fulfill his or her duties as mayor pursuant to Village Law § 4-400(1)(h).
3. The official responsible for signing checks shall compare prepared checks to the vouchers approved by the Board.
4. Blank checks shall never be signed.
5. Checks are printed by the Deputy Treasurer. The Treasurer then reviews all checks printed and voided.

C. Positive Pay

1. After checks are printed and before they are mailed (AP checks and Payroll checks) a positive pay reports must be uploaded to the Orange Bank & Trust website.
 - a. This procedure helps with fraud protection.
 - b. A report generated from Edmunds will list the check numbers, date of the check, payee name, and amount.
 - c. The bank will review cleared checks daily. Any checks not uploaded to the website will come back as an exception to be reviewed. The Treasurer's office will decide to pay the check or return it.

D. Petty Cash Procedures

1. Petty cash funds should be authorized at the lowest amount practical. The Clerk's Office petty cash is \$30.00 in cash.
2. Custody of the petty cash fund is assigned to the Treasurer. As petty cash custodian, this employee should handle all petty cash transactions, keeping a detailed list of petty cash used and remaining balance. The funds are held in a metal box inside the safe/vault.
3. A voucher (or claim) requesting reimbursement of petty cash expenses should be submitted to replenish the funds up through the \$30.00 maximum funds. Attach the detailed list and receipts to the voucher as backup.

E. Change Drawer

1. The Village Clerk shall maintain, for the purpose of providing change, a cash balance of \$30 located in the safe in the Clerk's Office.
2. The Water/Sewer Billing Clerk shall maintain, for the purpose of providing change, a cash balance of \$50 located in the safe in the Clerk's Office.

VI. Online Banking

- A. All online transfers should be made at the direction of the Treasurer. Before approval is granted, documentation detailing the amount, purpose, and destination of the online transfer should be presented for review to the mayor, who in turn approves the transfer.
- B. Employees who execute bank transfers should not prepare or post journal entries or reconcile bank accounts. When it is not practical to segregate these duties, a compensating control, such as supervisory review by the Village accountant, should be implemented.
- C. What online banking and EFT activities will be used:
 - 1. Electronic transfers to and from any of the Villages Bank Accounts
 - 2. Direct deposit submissions for payroll
 - 3. Wire transfers
- D. Who is authorized to initiate and transmit e-transactions:
 - 1. Treasurer
 - 2. Deputy Treasurer in the absence of the Treasurer
- E. Who will approve e-transactions:
 - 1. Mayor will approve any electronic transfers to and from the Village bank accounts that are made by the Treasurer.
 - 2. Treasurer will approve payroll transfers weekly.
- F. Who will record e-transactions:
 - 1. Treasurer
- G. The Treasurer will review and reconcile e-transactions daily:
 - 1. These include transactions made to the credit card bank account
 - 2. Any ACH payments made to the Operating bank account
 - 3. Any other miscellaneous transactions made to the Villages bank accounts

VII. Bank Accounts and Bank Reconciliation Procedures

- A. Bank Account Procedures
 - 1. Inform all depositories in writing that only the Treasurer or Mayor are permitted to open or close bank accounts for general governmental purposes.
 - 2. The Treasurer or Mayor should periodically review the listing of all bank accounts in the name of the local government and for all bank accounts carrying the local government's federal tax ID.
 - 3. When an official authorized to sign checks or to perform wire transfers leaves the local government, the Mayor or Treasurer must contact the bank, and revoke his or her check signing authority, online banking capabilities and wire transfer authority, and destroy his or her signature disk.
- B. Bank Reconciliation Procedures
 - 1. Bank reconciliations are prepared monthly by the Treasurer and any differences between net bank balances and general ledger cash accounts must be researched and explained in the reconciliation.
 - 2. During the bank reconciliation process, check images (or canceled checks) and bank statements should be reviewed for anything out of the ordinary, such as

suspicious payees, large dollar amounts, and secondary endorsements. All check images should be retained in electronic format for audit purposes.

3. After all bank reconciliations are completed, the Treasurer will prepare the monthly bank account summary file for the Board of Trustees review. This report outlines all the bank account balances for the month ended.

DRAFT

Chapter 9 Ethics, Code of

Article I

General Provisions

Intent of Village Board

§ 9-1 Purpose

~~Village Standards and rules of ethical conduct for public officers and employees should be clearly set forth to guide public officers and employees in performance of their duties and must be observed if public confidence is to be maintained in local government. It is the purpose of this chapter to promulgate standards and rules of ethical conduct for the officers and employees of the Village of Warwick. Employees of the Village of Warwick hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Village Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.~~

§ 9-2 Applicability

This Code of Ethics applies to the officers and employees of the Village of Warwick and shall supersede any prior municipal Code of Ethics. The provisions of the Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law, and all rules, regulations, policies and procedures of the Village of Warwick.

~~§ 9-3 Prohibition on use of municipal position for personal or private gain.~~

~~No municipal officer or employee shall use his or her municipal position or official powers and to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest. No Village employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself or others.~~

~~A. § 9-43 Definitions.~~

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

VILLAGE

The Village of Warwick as a municipal corporation, including aAny board, commission, district, council or other agency, department, or unit of the government of the Village of Warwick.

VILLAGE EMPLOYEE

Any officer or employee, or elected official of the Village of Warwick, whether paid or unpaid, whether serving in a full-time, part-time, or advisory capacity.

CONTRACTS

~~General Municipal Law, article 18 defines a~~All contracts, written or oral, as including any claim, account or demand against or agreement with the Villagea municipality, express or implied. ~~Thus, almost any business relationship with a municipality will result in a contract.~~

CONFIDENTIAL INFORMATION

Any information that is not subject to disclosure under the Freedom of Information Law including, without limitation, any discussions held in executive or closed sessions.~~Village employee paid or unpaid is prohibited from disclosing confidential information acquired in the course of his duties.~~

PERSONNEL INTEREST

For the purpose of this chapter, an officer or employee of the Village whether paid or unpaid shall be deemed to have a direct interest in the affairs of his or her-

- a. Spouse, children and dependents; or
- b. A corporations, business, partnership or association of which officer or employee is a member, partner, owner, director or employee.
- ~~c. A corporation of which such officer or employee is an officer, director or indirectly by such employee.~~

FAMILY RELATIONSHIP

Means a spouse, parent, step-parent, sibling, step sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a Village employee, and individuals having any of these relationships to the spouse of a Village employee.

~~SOLICITING INTEREST IN~~ APPOINTMENTS- **Steve- please help with this definition.** Means canvassing members of the Village Board or other Village Officers, directly or indirectly, in order to obtain preferential consideration in connection with any appointment in the Village.

Article II
Code of Ethics

§ 9-5 Standards of conduct.

Every Village employee of the Village of Warwick shall be subject to and abide by the following standards of conduct:

- A. **Employment.** No Village employee shall accept other employment which will impair his/her independence of judgement in the exercise of his official duties.
- B. **Conflict of interest.** No Village employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would impair his/het independence of judgment or action in the performance of official duties. Personal, as distinguished from financial, interest includes an interest arising from family relationships or close business or political association. . No Village employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties
- C. **Representing private interests before Village agencies or courts.** No Village employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He/she shall not represent private interests in any action or proceeding against the Village in any litigation to which the Village is a party, nor shall he receive any compensation or retainer that may be contingent upon a specific action by a Village agency.
- D. **Contracts with Village.** No Village employee shall have any interest directly or indirectly in any business entity, transaction, or contract with he Village or in the sale of real estate, materials, supplies or services to the Village except as may be permitted by § 801 and 802 of the General Municipal Law.
- E. **Gifts.** – No Village officer or employee shall ~~or~~ directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more. **Steve- I have a note that we should add language regarding campaign contributions here. I looked at the NYS Ethics code model. They didn't mention anything. You call. Provided, however, that this section shall not apply to unsolicited election campaign contributions, and fees paid for attendance at election fund raising events.**
- F. **Confidential information.** No Village employee shall disclose confidential information acquired by him/her in the course of his ffficial duties or use such information to further his personal interest. He/she shall not disclose, without proper authorization from the Village Board, any confidential information concerning the affairs of the Village of Warwick. Any inquiring person shall be directed to the public records of the Village. Records of all Village departments not stated to be public records shall be considered confidential.
- G. **J——Use of municipal position for personal or private gain. No municipal officer or employee shall use his or her municipal position or official powers and to secure a financial or material benefit**

for himself or herself, a relative or any private organization in which he or she is deemed to have an interest. No Village employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself or others.

H. Improper influence. A Village employee shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.

H.I. Future employment. A Village employee shall not, after termination of service or employment with the municipality, appear before any board, commission, or agency of the Village in relation to any case, proceeding or application in which he personally participated during the period of his/her service or employment, or which was under his/her active consideration for the two-year period after serving as a village officer or employee.

MJ. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Village Board and any Village employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village Board, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

OK. Private employment. No Village employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties. The following regulations concern the office or department stated:

(1) **Office of Building Inspector.** The Building Inspector Board shall not engage within the Village in the real estate, insurance, building contracting or building material business during their employment. This shall not prevent the Building Inspector who has a real estate license or an insurance license in effect at the time he acquired his position from continuing such license in effect.

(2) **Planning Board- A member of** the Planning Board shall not engage within the Village in the real estate, insurance, building contracting or building material business during their employment. This shall not prevent or member of the Planning Board who has a real estate license or an insurance license in effect at the time he acquired his position from continuing such license in effect.

(3) **Office of Assessor.** The Assessor, or any employee thereof shall not use the records and information of his department for any private use whatever.

LP. Soliciting~~Interest in appointments.~~ No person shall, either directly or indirectly, pay, render, or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned.
~~Canvassing of members of the Village Board, directly or indirectly, in order to obtain preferential-~~

~~consideration in connection with any appointment. Soliciting Appointments shall disqualify the individual engaging in such activity from candidate for appointment to the position at issue except for appointments made by the Village Board. No person shall, either directly or indirectly, pay, render, or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned.~~

~~Q.—Treatment of the public. An officer or employee of the Village of Warwick shall treat all members of the public, whether a person, firm or other organization, with respect and in a professional manner, with equal consideration and without special advantage in carrying out his/her or her official duties.~~

§ 9-6 Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Village employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended, or removed from office or employment in the manner provided by law.

Article III Board of Ethics

§ 9-7 Establishment.

There is hereby established a Board of Ethics consisting of five members to be appointed by the mayor and approved by the Village Board of Trustees, all of whom reside in the Village of Warwick and who shall serve without compensation and at the pleasure of the Village Board. Appointments will be made at the annual reorganization Village Board Meeting. The mayor will appoint the Chairman.

The Board of Ethics established hereunder shall render advisory opinions to Department Heads on written request and, upon request of the Village Board, make recommendations to such Village Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Village employees be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Village Attorney

§ 9-8 Rules and regulations; records of proceedings.

Such Board of Ethics shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

Article IV Administration

§ 9-9 Distribution of copies.

Upon the adoption of this chapter, the Village Mayor shall cause a copy thereof to be distributed to every Village employee. Failure to distribute any such copy or failure of any Village employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Village Mayor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Village. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

§ 9-10 Appropriations.

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Village moneys except within the appropriations provided herein.

9-11. Cooperation with Board of Ethics- All Village Board members and employees of their Village of Warwick shall furnish to the Board of Ethics such data, information and statements as may in the opinion of the Board be necessary for the proper exercise of its function, powers and duties as set for in the General Municipal Law or in this chapter.

**VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2023**

A local law to amend the Village Code by enacting Chapter 115 entitled "Short Term Rental Property Owner Occupied"

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact Chapter 115 entitled "Short-Term Rental Property" which shall read as follows:

§ 115-1 Purpose.

Short term rentals of residential property are a potential source of income to property owners and can provide additional housing for visitors to the area, thereby promoting tourism and strengthening the local economy. However, if unregulated, short-term rentals may have detrimental impacts on nearby properties and the neighborhoods in which they are situated as a result of increased traffic, noise, trash, and similar impacts. Moreover, it is in the overall public interest to require that properties offered for public rental are safely maintained and adequately insured. Therefore, the Village Board of the Village of Warwick hereby establishes the registration and licensing requirements and regulations set forth in this Chapter for the purpose of regulating short term rentals of residential property to ensure safe, responsible and harmonious operation of such uses.

§ 115-2 Definitions.

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

Bedroom

One-person bedroom shall have a minimum of 70 square feet. A two-person bedroom shall have minimum of 100 sq. feet: a three-person bedroom shall have a minimum of 150 sq. feet: and 50 sq. feet for each additional occupant. Bedroom shall be not less than 7 feet in any plan dimension. Shall have a compliant window to exterior as a second means of egress. Shall have access to sanitary facilities providing a sink, toilet, potable running water, shower/tub and kitchen access. Living space shall adhere to the current Property Maintenance Code of New York State.

Building Inspector

The Building Inspector of the Village of Warwick or such person as appointed by the Village Board to enforce Code 53 Unsafe Buildings, and this article.

Housing or Dwelling Unit-

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi household structure or building but not including a hotel, motel or bed and breakfast establishment.

Immediate Family

The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

Owner

Any owner of a residence who offers housing in a residence to persons, other than immediate family, in exchange for a fee or compensation, whether monetary or otherwise.

Residence

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building.

Registered Resident Agent "Agent"

A representative of the property owner who resides within 15 miles of the Village.

Short Term Rental Permit

A permit issued by the Village of Warwick stating that the referenced structure or unit conforms to the standards of chapter 49-11, Fire Safety and Property Maintenance Inspections, and other applicable sections of Village Code and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that permit.

Short Term Rental Property

Any residence in which overnight accommodations are offered in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air B&B and VBRO. Month to month tenancies are not considered short term rental properties.

Substandard

Any deficiency in a residence that does not meet the standards of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code and applicable sections of Village Code. Substandard conditions shall also include failure to maintain a single-station smoke-detecting alarm device and carbon-monoxide-detector device, or devices, in accordance with New York State standards.

Owner-occupied

As used in this Chapter the term "owner-occupied" shall mean a residence in which the record owner maintains as his or her domicile, and which he or she occupies as his or her own residence not less than six months in the calendar year. In the case of property in the Central Business Zone, the owner or agent shall reside within 15 miles of the property.

§ 115-3 Regulation of Short Term Rentals

- (1.) Only single-family dwellings, duplexes, and dwelling units accessory thereto may be used for short term rentals
- (2) Short-Term Rentals allowed in all zones in the Village except in Continuing Care Retirement Community (CCRC) and Multiple Residence-Senior Citizen (MR-SC)
- (3.) Commencing ninety (90) days after the effective date of this Chapter, any person offering short-term rentals within the Village of Warwick shall be required to first register and obtain a permit for short-term rental of the residence under this Chapter.
- (4) HOA policies in Village developments supersede STR Village policy.

§ 115-4 Registration of Property for Short Term Rentals.

Registration of **Short-Term Rental Registration Application** shall be completed by the owner or agent submitting to the Village Building Department a registration form, as approved by the Building Inspector, stating that the owner is seeking a short-term rental permit and providing, at a minimum, the following information:

- (i) Name, mailing address, telephone number, e-mail address, of the owner and agent.
- (ii) The street address, of the short-term rental property;
- (iii) The number of rental units in each building;
- (iv) The number of conventional bedrooms in the residence.
- (v) The proposed maximum overnight and daytime occupancy limits of the residence;
- (vi) The types and placement of any fire-protection systems located each building;
- (vii) The number and location of all exits;
- (viii) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system.
- (ix) A certificate of liability insurance for the property with policy limits in an amount of no less than \$1,000,000 with rental endorsement on policy. Owner signs indemnification and hold harmless agreement (umbrella policy and Airbnb are not acceptable).
- (x) Copy of Certificate of Occupancy for original building OR letter stating dwelling was built prior to 1973.
- (xi) Acknowledgment of review and responsible for compliance with the Code of the Village of Warwick.
- (xii) a notarized statement that the STR property is owner occupied and the STR property is the owner's primary residence or is owner of a building in the Central Business Zone and lives within 15 miles of the Village.
- (xiii) The completed form must be notarized

§ 115-5 Grant of Permits for Short Term Rental Property.

- (1.) Upon submittal of complete application for short term rentals, the owner or agent shall contact the Building Inspector to schedule an inspection of the short-term rental property for the purpose of issuance of a short-term rental permit.
- (2.) Upon payment of such inspection and permit fees as the Village Board shall prescribe in the Village's schedule of fee, the Building Inspector shall conduct an inspection of the short-term rental property to determine whether it is substandard and to verify that the residence and the maximum overnight and daytime occupancy limits proposed by the owner are acceptable under the New York State Uniform Fire Prevention and Building Code.
- (3.) Upon completion of an inspection of the short-term rental property and ascertaining that the residence is not substandard, the Building Inspector shall issue a short-term rental permit to the owner or agent.
- (4.) Permits shall be on a form approved by the Building Inspector and shall, at a minimum:
 - (i) State the address, section, block and lot of the short-term rental property;
 - (ii) List the name of the owner and agent.
 - (iii) State the number of bedrooms and in the residence and identify any other approved sleeping quarters;
 - (iv) List the maximum permitted overnight and daytime occupancy limits; and
 - (v) State the date of issuance and the date of expiration.

§ 115-6 Duration and Terms of Short-Term Rental Permits.

- (1.) All Short-Term Rental Permits shall expire two years after the date of issuance, unless sooner revoked.
- (2.) The following shall be mandatory terms of every Short-Term Rental Permit:

- (i) No illegal conduct shall be carried on the short-term rental property by the landlord, agent, or short-term rental tenants, their guests or invitees.
 - (ii) The short-term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any driveways of other property on the said street.
 - (iii) Trash, refuse and recycling, and the bins or containers therefore, shall not be left stored within the public view, except that covered bins or containers may be left curb side for the purpose of scheduled collection in compliance with Village Code Section 75-1
 - (iv) No exterior lighting of the residence shall be permitted from midnight to six o'clock a.m., except for such lighting of driveways or walkways as may be necessary for safe ingress and egress of persons entering or exiting the short-term rental property,
 - (v) The short-term rental tenants and their guests or invitees shall not engage in any conduct which violates the Village's noise ordinance or which would otherwise constitute disorderly conduct or creation of a public nuisance.
 - (vi) In the event that short term rental tenants plan on using the residence as the site of a party or event involving more than ten (10) guests or invitees, the owner shall require that the tenants disclose such intent as a condition of the rental and shall require the tenants to undertake measures and limitations to prevent unreasonable disturbance of neighboring property owners, such as limiting the hours of outdoor music and assuring adequate parking for guests and any catering or delivery vehicles.
 - (vii) Prominently display at all times the contact names and phone numbers, along with a list issued by the Village, of emergency services, information relating to garbage, recycling, available parking, winter parking and noise or
- (3.) In the event that there is any change in the information provided by the owner or agent in the registration application, the owner shall advise the Village Building Department in writing of such change no later than forty-eight (48) hours after such occurrence. Failure to advise the Village Building Department of a change in the information provided by the Landlord in his registration application may be grounds for suspension or

revocation of the Short-Term Rental Permit.

- (4.) A Short-Term Rental Permit may not be transferred or assigned to any person or used by any other person other than the owner to whom it was issued.

§ 115-7 Denial of Short-Term Rental Permits.

- (1.) In the event that the Building Inspector determines that a residence is substandard, he shall issue a written denial of the short-term rental permit to the owner or agent listing all of the substandard conditions identified in the inspection.
- (2.) If an application for a short-term rental permit is denied, an owner may re-apply for the permit after correcting such substandard conditions as have been found. Upon such re-application, the owner or agent must arrange for an additional inspection by the Building Inspector. The owner must pay an additional inspection fee, as specified in the Village's Schedule of Fees, for each inspection.

§ 115-8 Renewal of Short-Term Rental Permits.

- (1.) Applications to renew existing short-term rental permits shall be submitted on forms approved by the Village Building Department 90 days prior to the expiration date of the existing license and must be accompanied by the renewal fee set by the Village Board in the Village's Schedule of Fees.
- (2.) Upon receipt of an application for renewal and the prescribed fee, the Building Inspector shall schedule and conduct an inspection of the short term-rental property using the same criteria as upon an inspection for grant of a permit. Renewal shall be granted if the short-term rental property is not substandard.
- (3.) Upon grant of renewal, the Building Inspector shall issue a new Short-Term Rental Permit which shall expire two years after the date of issuance unless revoked earlier.

§ 115-9 Suspension or revocation of Short-Term Rental Permits.

- (1.) It is the responsibility of the owner or agent to comply with all terms and provisions of this Chapter and to ensure that the short-term rental tenants, their

guests and invitees to comply with this Chapter and the terms and conditions of the short-term rental permit. Any failure of short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of a short-term rental permit shall be attributed to the failure of the owner and his agent to discharge the responsibility to ensure such compliance.

- (2.) Upon receipt of a complaint or upon his initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Chapter.
- (3.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or the terms and conditions of the short-term rental permit has occurred on property for which a short-term rental permit has been issued, he shall issue a written notice of the violation to the owner and agent and shall provide a copy of the same to the Village Board.
- (4.) Upon receipt of such notice, the Village Board shall set a date at which the owner shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the owner, by certified mail return receipt requested at the address provided in the registration for the short-term rental property.
- (6.) If it is determined by the Building Inspector that the owner has falsified or otherwise failed to provide accurate information on his registration application, the application shall be referred to the Village Board.

§ 115-10 No presumption of compliance.

The issuance of a Short-Term Rental Permit shall not constitute a finding by the Village that the Short-Term Rental Property complies with the New York State Uniform Fire Prevention and Building Code and/or the State Energy Conservation Construction Code for any purpose other than issuance of a short-term rental permit.

§ 115-11 Appeals.

- A. If the Building Inspector denies an application for short-term rental, denies an application for renewal of a permit for short-term rental, or revokes a permit for a short-term rental, it shall be done in writing, reciting the grounds for denial or revocation.
- B. An applicant may appeal from such denial or revocation by filing a written request for a hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk.

- C. Upon receipt of such request, the Village Clerk shall schedule same for the next regularly scheduled Village Board meeting, affording the applicant at least five days written notice of the place, date and time of the hearing, and publish notice of same.
- D. At the hearing, the applicant shall be afforded reasonable opportunity to be heard. The applicant shall bear the burden of proof by preponderance of credible evidence to show that the determination of the Building Inspector was arbitrary or capricious or in excess of his authority. The decision of the Village Board of Trustees shall be final and conclusive. The tenant will be allowed to occupy the property until the appeal is heard and the finding is issued.

§ 115-12 Fees for permits.

The Village Board shall set such application, review, inspection and renewal fees as it may find appropriate for short-term rental permits by resolution and such fees shall be listed in the Village's Schedule of Fees

§ 115-13 Penalties for offenses.

- (1.) Any person who violates any provision of this Chapter, whether the owner or tenant, shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.
- (2.) Conviction of violation of the provisions of this Chapter shall be punished by a fine of not more than \$1,000 per violation or by imprisonment for not more than 15 days, or both.
- (3.) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.
- (4.) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent unlawful occupancy of property in violation of this Chapter, including, without limitation, civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of buildings, land or premises.
- (5.) If, after affording such an opportunity to be heard, the Village Board confirms the existence of the violation of this Chapter, the Village Board shall suspend or revoke the short-term rental permit. For any number of violations less than two within a period of six (6) months, the permit may be suspended for a period of up to six (6) months from the date of the suspension. For two or more violations

within a one-year period, the short-term rental permit may be suspended or revoked and, if revoked, no short-term rental permit will be available for the short-term rental property for a period of up to two (2) years from the date of revocation unless landlord and agent cease to have any right, title or interest in the short-term rental property.

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.