

Southold Town Code Basics
Complaint and Enforcement Data
January 2019 – August 2021

Prepared by North Fork Civic Associations
Presented to SPCA by Margaret Steinbugler

June 17, 2023

Why Care About Code Enforcement?

Southold Comprehensive Plan, Chapter 3, Land Use and Zoning

Goal 3: Enforce the Town Code

Land use regulations contribute to protecting Southold's community character and quality of life. Most people comply with those regulations voluntarily; however, occasional reminders are necessary. During every public meeting conducted as part of this comprehensive plan update, the topic of code enforcement was raised.

Southold Town will continue to enhance its ability to enforce its regulations.

Comments the public made during Comp Plan Process

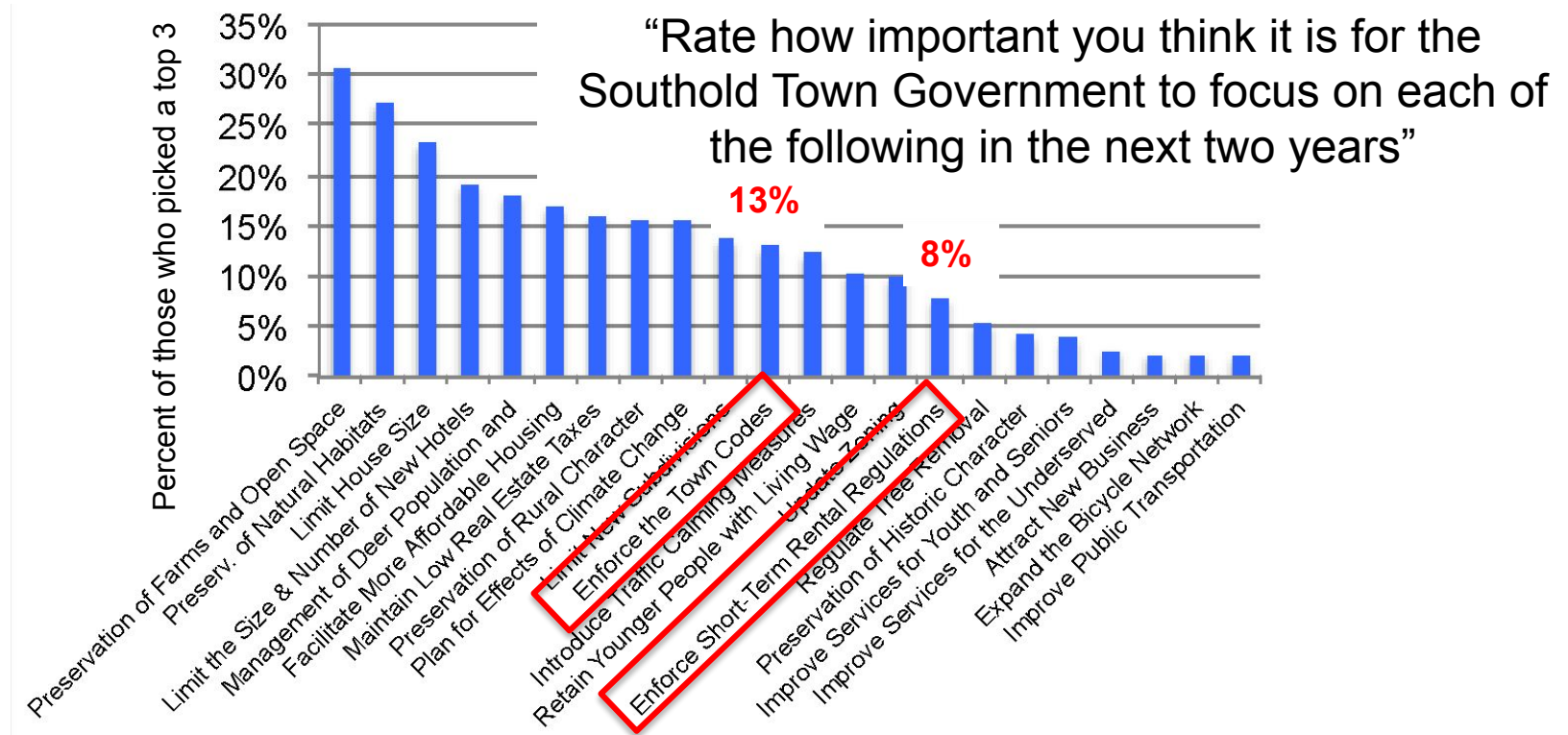
"...provide [new homeowners] with the main town code issues for homeowners"

"Litter law – needs to be stronger (higher fines) and enforced"

"More enforcement is needed both for water quality and water activities."

"Are new regulations that are being suggested in the chapter enforceable? Example a landscaper from out of town that doesn't know or care about new rules."

Why Care About Code Enforcement?



In 2022 North Fork Civic Survey,

13% selected “Enforce Town Codes”

8% selected “Enforce Short-Term Rental Regulations”

As one of the top 3 issues the Town should work on

Why Care About Code Enforcement?

Quotes on code enforcement, 2022 North Fork Civics survey

“Code, rules or laws are unimportant unless the Town is willing to professionally enforce them.”

“Enforce lighting code“

“Hire extra enforcement personnel”

“...meaningful Zoning and Code Enforcement”

“Southold Town is weak on Code Enforcement and vague in its codes”

“Raise fines on all code violations to finance hiring an army of code enforcers. If existing laws were enforced there would be great improvement in many areas.”

“Protect the rural character - enforce strong codes for outdoor lighting - protect the night sky”

“Enforce town codes with real penalties”

“...‘one-off’ exceptions’ are made regularly and then degrades our environment and neighborhoods...It also sends a message that the Town isn't serious about stewarding the environment...”

Code Complaints and Community Values

Top valued community characteristics	Top 8 categories of code complaints							
	Illegal Rental	Illegal Construction	Lawn / Yard	Unregistered Vehicle	Fence	Noise	Sign	Dark Sky / Lights
Natural Beauty	INDIRECT	DIRECT	DIRECT	DIRECT	DIRECT	DIRECT	DIRECT	DIRECT
Rural Character	DIRECT	DIRECT	INDIRECT	INDIRECT	DIRECT	DIRECT	DIRECT	DIRECT
Quality of Life	DIRECT	DIRECT	INDIRECT	INDIRECT	INDIRECT	DIRECT	DIRECT	DIRECT



Code violation has a DIRECT influence on characteristics the community values

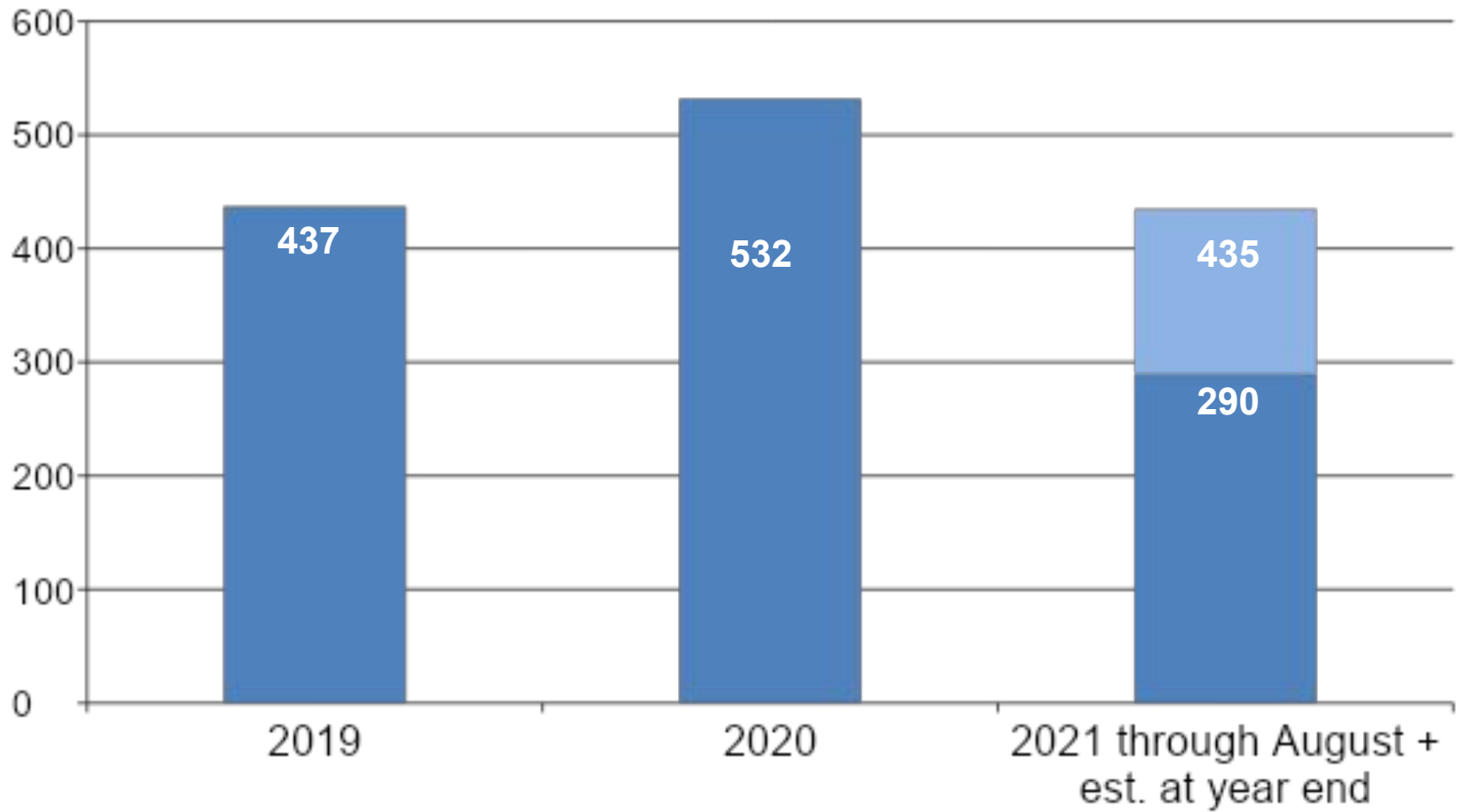


Code violation has an INDIRECT influence on characteristics the community values

The top 8 categories of code complaints directly and indirectly erode the community characteristics residents value the most, based on 2022 NFC priorities survey

Code complaint cases per year

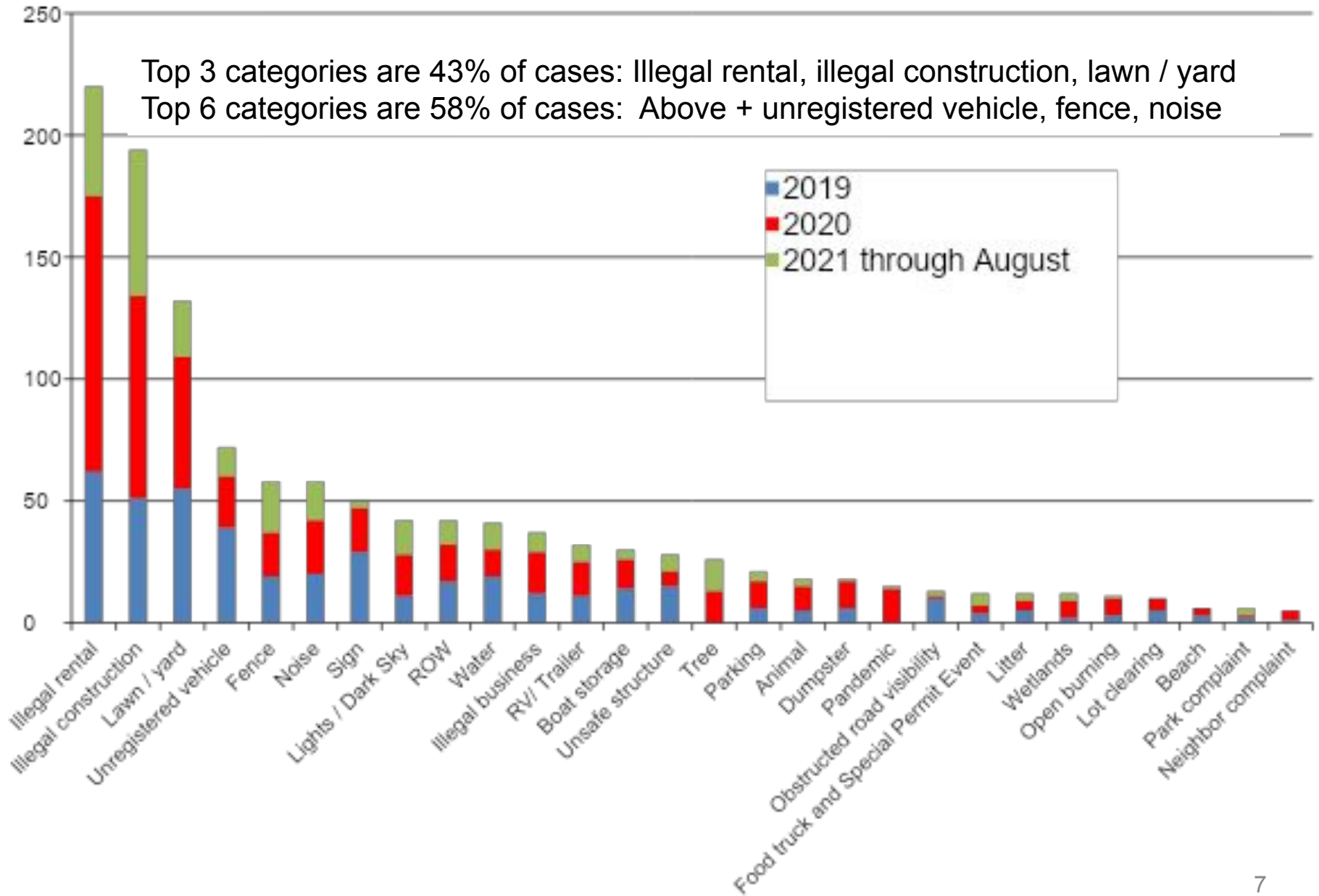
2021 was on track to hit about same total as 2019



Code complaint cases by category

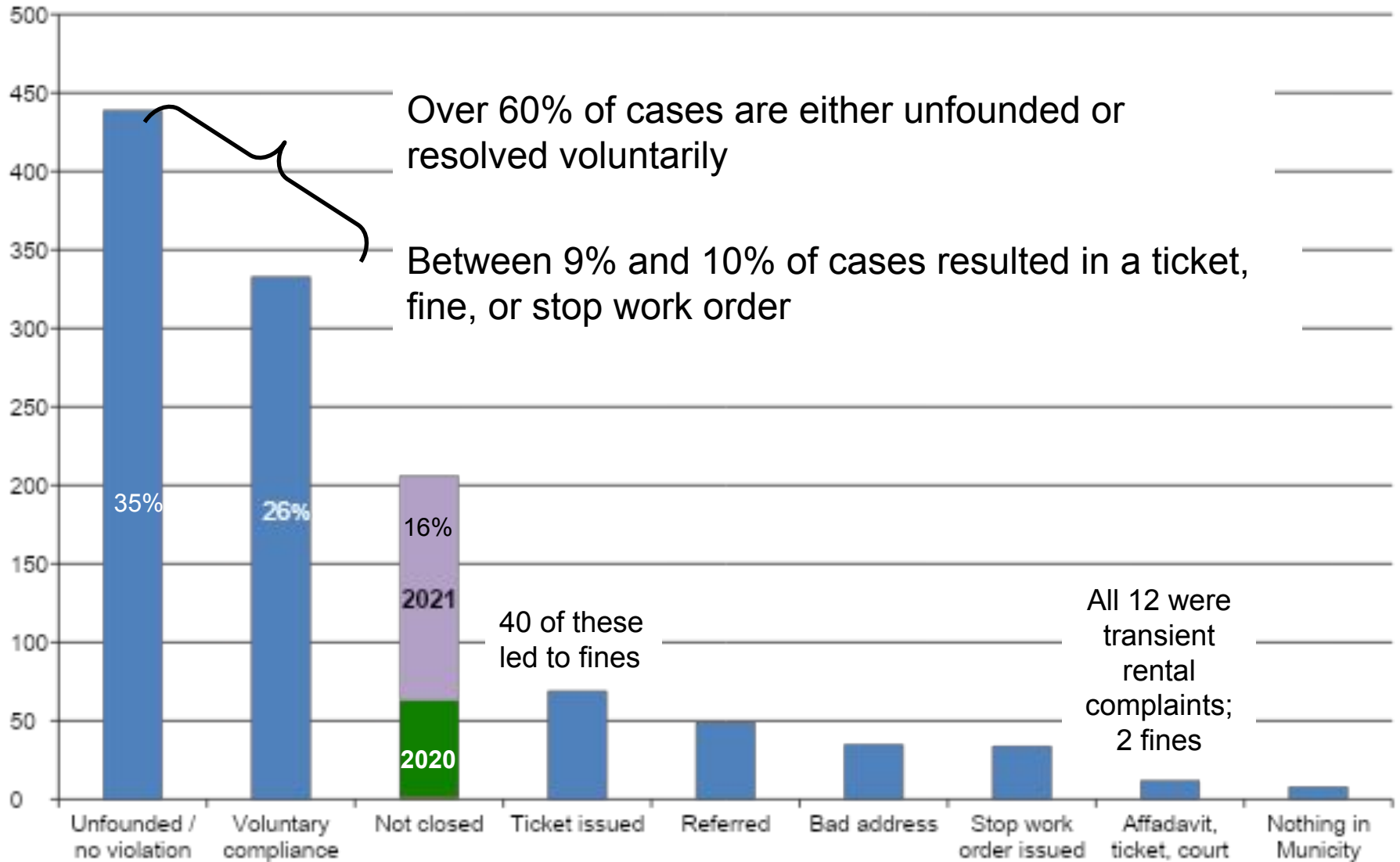
2019 - August 2021

Top 3 categories are 43% of cases: Illegal rental, illegal construction, lawn / yard
 Top 6 categories are 58% of cases: Above + unregistered vehicle, fence, noise



Code complaint cases by disposition

2019 - August 2021



In most “voluntary compliance” cases the EO found some violation that was addressed promptly without consequences to the owner

Code Enforcement 2022: Summary

Based on data analysis

- About 430 – 530 complaints per year
- Top categories are Illegal Rental and Illegal Construction
- Over one-third of cases are ‘unfounded’
- 9% - 10% of complaints result in a ticket, fine, or stop work order

Based on interviews

- Two code enforcement officers
- Mainly weekday coverage
- Mainly reactive to complaints
- Little visibility to Town Board
- Residents do not want to have to complain to get enforcement

#1 Complaint: Illegal Rentals

Code Requirements

Rental permit required

2-week minimum stay unless licensed B&B,
hotel, motel

Collect Suffolk County tax, 5.5% per diem

Illegal Transient Rental Properties (TRPs)

Undermine neighborhood character and safety

May consume otherwise affordable housing

No permits - Building safety features not
ensured

Noise, parking, traffic, party houses

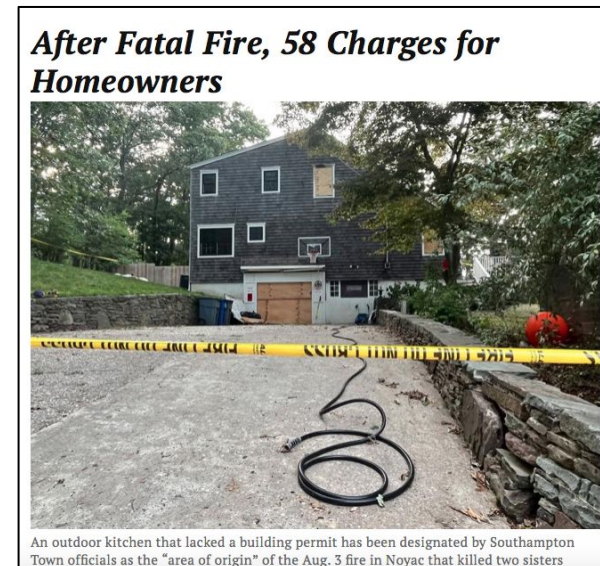
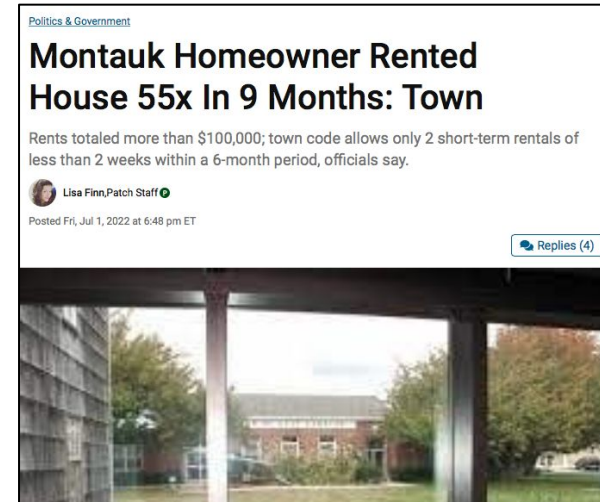
Often not tax-compliant

Southold Community Housing Plan Draft:

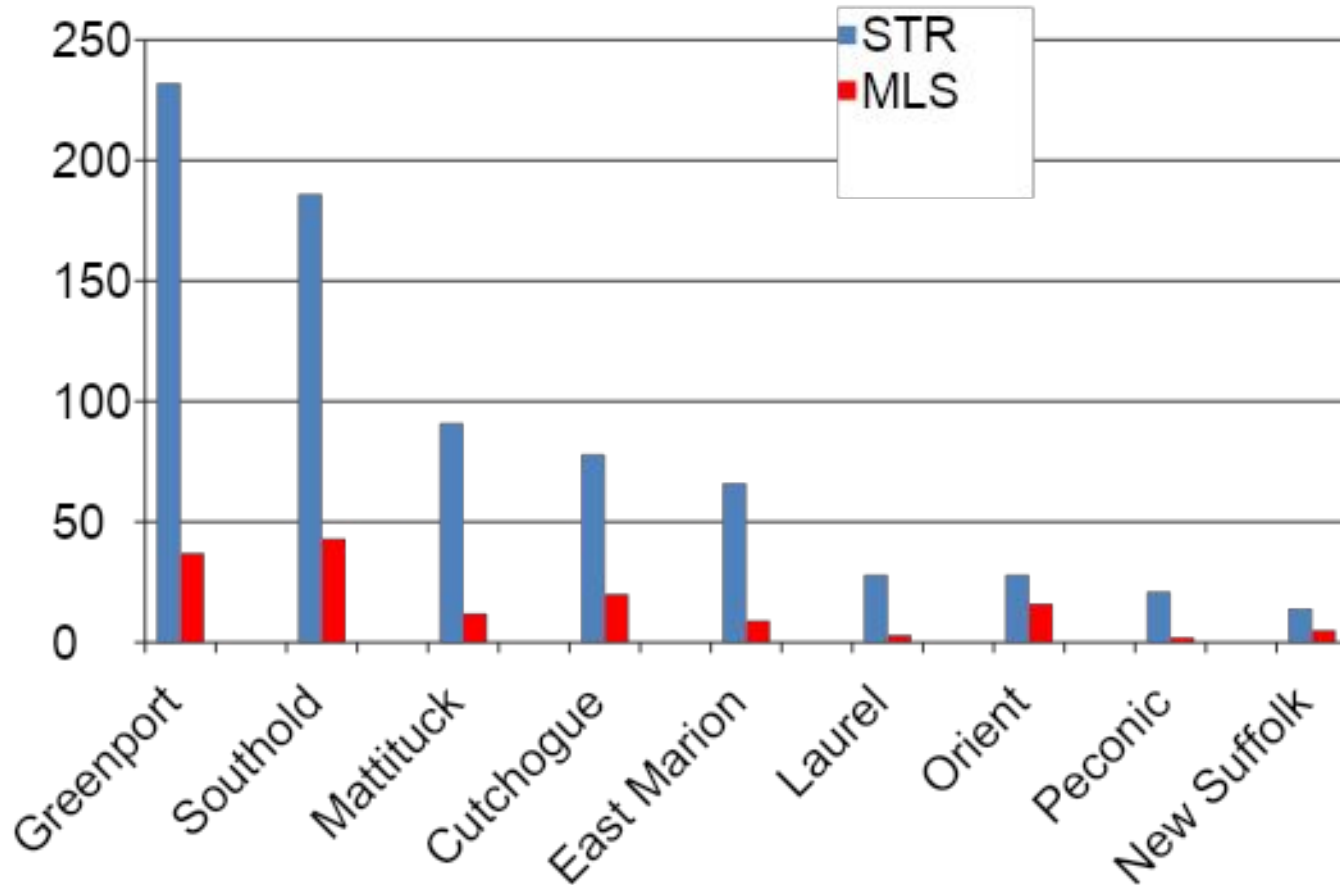
*“Airbnb and other short-term rental housing have resulted in the
reduction of housing units available for year-round rentals.*

Year-round rentals are crucial to community housing goals as

they provide lower-priced housing stock that can be more



Short Term Rentals by Hamlet



771 STRs in Southold Town on AirBnB, Feb. 2023
Approximately 5-6% of houses

Short Term Rentals: Possible Action

Consider Host Compliance Software offered by Granicus and other providers

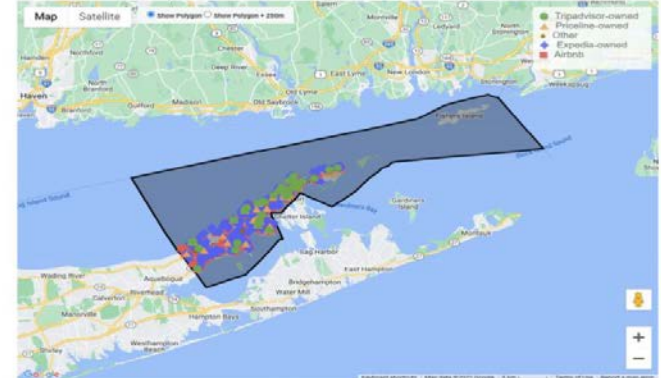
In July 2022 identified nearly 800 unique short-term rental units in Southold Town

Service provides addresses, certified screen-shot evidence, documented stays, affidavits, warnings to owners, follow up

If only 10-20% of transient rentals became available as rental housing, 80-160 units would be made available to full time residents

...and in Southold we have identified 1,199 listings, representing 798 unique rental units*

Short-term rentals in Southold as of July 2022



* Granicus Host Compliance's pricing is based on the count of listings and rental units that would need to be analyzed and monitored for compliance. In terms of listings, this number is 1,199 as we will expand our search area by several hundred yards beyond the border of Southold to capture all relevant listings. Source: Granicus Host Compliance Proprietary Data

Provide documented evidence of every address match to support all of Southold's enforcement efforts

Example of Searchable Evidence



Example of Legal Declaration



#2 Complaint: Illegal Construction

Building Permits required for work that must conform to Uniform Code and Energy Code

Building Dept issues about 118 BPs / month
19 'as-built' permits/month
About 16% of all BPs issued

About 6 illegal construction complaints / month
Complaints surface only ~1/3 of illegal construction cases

Anecdotal evidence suggests building permits are not consistently displayed

Consider:

- Building Dept provide BP info to CE weekly with addresses
- Code enforcement verification that BPs are displayed
- Easy on-line building permit look-ups for neighbors
 - Potential to reduce invalid complaints and increase likelihood neighbor complaints are valid
- Increase fees for **self-created** 'as-built' permits
- Fine contractors who perform illegal construction



Visible / Detectable Code Violations

“Public order is a fragile thing, and if you don't fix the first broken window, soon all the windows will be broken.”

James Q. Wilson

"You get what you demand and you encourage what you tolerate."

Tom Landry

#3 Complaint: Lawn and Yard

Town Code Chapter 100

Surface and subsurface water shall be adequately drained...

Landscaping shall be adequately maintained...

Garbage shall be kept inside the building ... and shall be regularly removed from the premises



#4 Complaint: Unregistered Vehicles

Town Code Chapter 100

Junked or unregistered vehicles may not be located or stored in open view...



#5 Complaint: Fences

Town Code Chapter 280-105

Fence Height Limits

Up to 4' high in front yards

Up to 6½' high in rear or side yard

Up to 2½ feet high at street corners (for 30 feet in each direction)

Deer Fences

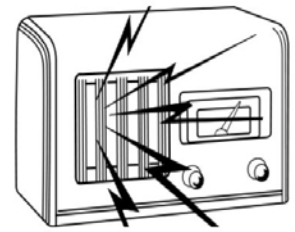
Up to 8' high in rear or side yards

Building permit required

Never allowed in front yards except at bona-fide agricultural operations



#6 Complaint: Noise



Town Code Chapter 180: Creation of noise pollution prohibited

Noise pollution includes noise that causes harm and noise that “Disturbs a reasonable person of normal sensibilities.”

Noise at property line <65 dBA day time, <50 dBA night time

50 dBA: quiet conversation, quiet office, quiet refrigerator

65 dBA: normal conversation

Complaints to Code Enforcement

58 complaints Jan 2019 – Aug 2021

Almost 2 per month - No tickets

Complaints to the Police Department

871 complaints Jan 2019 – Aug 2022

About 20 per month - 10x more than reported to Code Enforcement

Outcomes: 1 noise ticket, 3 parking tickets

Ideas

Functioning noise meters, track locations with multiple complaints, tickets to repeat offenders

#7 Complaint: Signs

Town Code Chapter 280-85 Specific Signs

L. Temporary Signs. The erection, installation or maintenance of temporary signs, as defined herein, is hereby prohibited except as specified below:

(1) – (4) Exceptions for some temporary signs

(5) No more than one exterior temporary sign at a time shall be allowed on a parcel or property.

(6) An external temporary sign may not be displayed for more than 90 days in a one-year period.



Restaurant



Fire Wood



Gas Station

#8 Complaint: Lighting

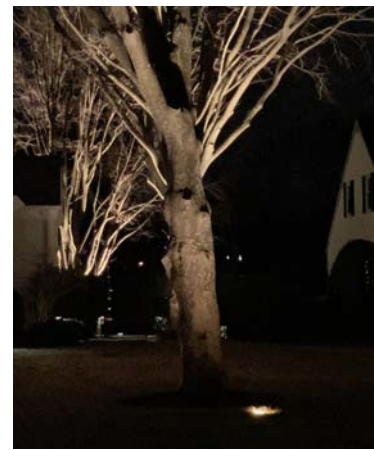
Southold has a Dark Sky Code, adopted in 2010

Town Code Chapter 172 Lighting, Outdoor

- A. General requirements including full cut-off luminaires for area lighting
- B. **(2) All nonessential exterior lighting shall be turned off within ½ hour after the close of business and/or when not in use**

Suffolk Times Cover Story, August 4, 2022
“Preserving the night sky”

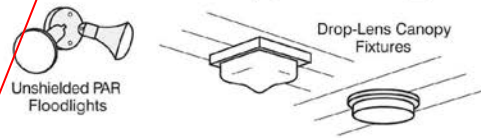
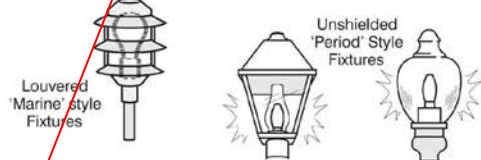
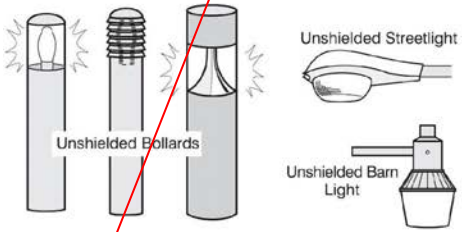
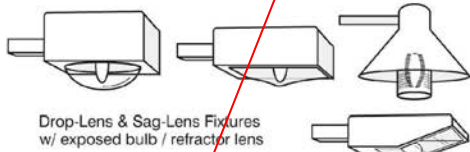
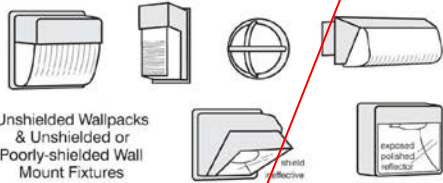
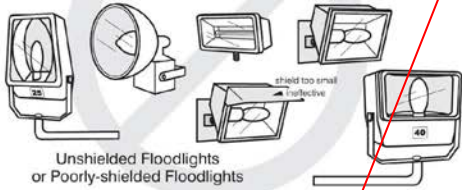
“Part of the coalition’s effort in 2022 has been aimed at addressing light code violations in town. ‘The North Fork Dark Sky Coalition would like to see Chapter 172 enforced throughout the town, not solely based on code violation complaints,’ Ms. Klahre said.”



Examples of Acceptable / Unacceptable Lighting Fixtures

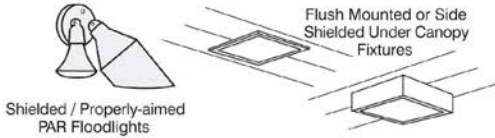
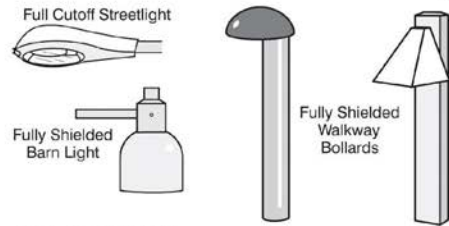
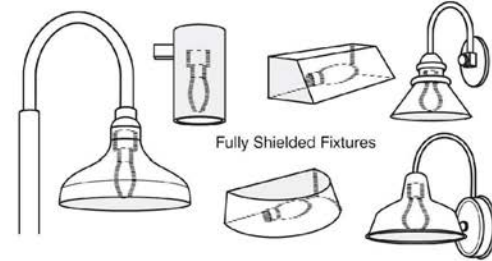
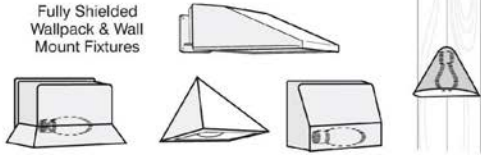
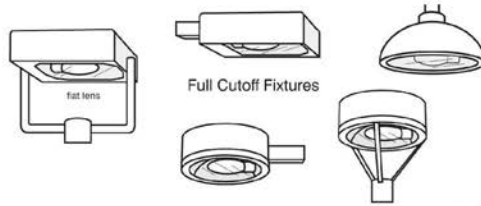
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



All area lights are to be full cutoff luminaires

#12 Complaint: Trailers and RVs

Town Code Chapter 280-78, P (2)

(2) The storage or parking and use of a travel trailer or a recreation vehicle by any person or persons, except as hereinafter provided, is prohibited in all residential districts, except that:

- (a) The keeping or storing of one camp-type travel trailer or recreation vehicle is permitted on a premises [conditions specified]. **Such camp-type travel trailer or recreation vehicle shall not be occupied as living quarters at any time and shall be secured in place in the rear yard...**



RVs and Short Term Rentals!

The screenshot shows an Airbnb listing for a camper/RV. At the top, the Airbnb logo is on the left, a search bar with the text "Start your search" is in the center, and "Airbnb your home" with a globe icon and a user profile icon is on the right. The listing title is "Welcome to 'The Last Resort 2'", followed by a rating of "★ 4.93 · 14 reviews" and the location "Laurel, New York, United States". There are "Share" and "Save" icons to the right. Below the text is a grid of five photos: a large photo of the exterior of the white and green camper, and four smaller photos showing the interior of the camper, including the bathroom and living area. A "Show all photos" button is overlaid on the bottom right of the photo grid. Below the photos, the listing is titled "Camper/RV hosted by Ryan" with a profile picture, and "3 guests · 2 beds · 1 bath". A "Great location" badge is present with the text "100% of recent guests gave the location a 5-star rating." To the right, a pricing box shows "\$128 night" and "★ 4.93 · 14 reviews". Below this, the check-in date is "6/23/2023" and the check-out date is "6/29/2023". A "GUESTS" section is partially visible at the bottom.

airbnb

Start your search

Airbnb your home

Welcome to "The Last Resort 2"

★ 4.93 · 14 reviews · Laurel, New York, United States

Share Save

LONG VIEW RV SUPERSTORES

LONG VIEW RV SUPERSTORES

LONG VIEW RV SUPERSTORES

LONG VIEW RV SUPERSTORES

LONG VIEW RV SUPERSTORES

Show all photos

LONG VIEW RV SUPERSTORES

LONG VIEW RV SUPERSTORES

Camper/RV hosted by Ryan

3 guests · 2 beds · 1 bath

Great location

100% of recent guests gave the location a 5-star rating.

\$128 night

★ 4.93 · 14 reviews

CHECK-IN
6/23/2023

CHECKOUT
6/29/2023

GUESTS

#13 Complaint: Boat Storage

Town Code Chapter 280-13, C, Accessory Uses, 7(B)

7. The storage of either a boat or travel trailer owned and used by the owner or occupant of the premises on which such boat or travel trailer is stored, for his personal use, subject to ... the following requirements:

(b) **Such boat or trailer shall be stored only in the required rear yard...**



#18 Complaint: Dumpsters

Town Code Chapter 100-4, B (1)

No dumpster shall be permitted in the front yard or side yard of a property used for a residential use for more than 30 days, unless the property benefits from an open and valid building permit.



Code Enforcement Future Vision

Develop a code enforcement plan that educates residents and enforces the Town Code

- Educate residents on Town Code
- Increase number of code enforcement officers
- Expand coverage to evenings and weekends
- Proactively address violations
- Levy appropriate fines
- Regularly report to Town Board

New Town Attorney is taking steps to strengthen enforcement

- Hiring code enforcement personnel
- Considering changes to short term rental enforcement

Additional Code Enforcement Officers

32 | MAY 4, 2023 | SUFFOLKTIMES.COM

HELP WANTED

POSITION AVAILABLE

Town of Southold

Part Time Code Enforcement Officer

The Town of Southold is seeking a part time Code Enforcement Officer, up to 17 ½ hours per week. Nights and weekends required. \$31.25/hour. Applicant should have good knowledge of the Town Codes and Ordinances; knowledge of the geography of the Town of Southold, ability to enforce the Southold Town Codes and Ordinances with tact and impartiality, ability to prepare activity and case reports, ability to express oneself clearly and concisely both orally and in writing, physical condition commensurate with the demands of the position. Must possess a valid license to operate a motor vehicle in New York State.

Please send resumes by **May 26, 2023** to Denis Noncarrow, Town Clerk of the Town of Southold, P.O. Box 1179, 53095 Main Road, Southold, New York 11971-0959 or by email to Denisn@southoldtownny.gov. Southold Town is an Equal Opportunity/Affirmative Action Employer.

Next Steps

What actions can you take?

- Get acquainted with Town Codes

- File a complaint on-line on the Town web site

- Advocate for and support recommended changes

- Contact Code Enforcement and Town Attorney

How to talk to your neighbors about violations

- Learn about the issue and be informative

- Stay positive, don't argue, be tactful

- Let your message sink in before asking for changes

- Invite them to view the issue from your property

- Pointers from the Dark Sky Society and Int'l Dark-Sky Assn:

- <https://www.darksksociety.org/handouts/talktoyourneighbor.pdf>

Where Can I Find the Town Code?

Go to Town of Southold web site:

<https://www.southoldtownny.gov>



Click on “Town Code” button at bottom of page

Who enforces the Town Code?

Can vary by Code Chapter

Police Dept

Code
Enforcement

Building
Inspectors

Fire
Marshalls

Harbor
Masters
(formerly Bay
Constables)

And Others

How to file a complaint

Town web site on-line form:

<https://www.southholdtownny.gov/FormCenter/Code-Enforcement-9/Town-Code-Complaint-Form-48>

Or call Code Enforcement at (631) 765-1939

Note on-line form calls out transient rentals; only such category spiked out on form

Complaints can be anonymous, but you will not receive follow-up info unless you include contact information

The image shows a screenshot of the Town Code Complaint Form. A red circle highlights the section titled "Does this involve an alleged transient rental?". This section includes radio buttons for "Yes" and "No", and a sub-section for "If yes, which site is the rental listed on (if known)" with options for "Airbnb", "Home Away", "VRBO", "Craig's List", and "Other". A text box is provided for "If Other, then please list here." Below this, there is an affirmation statement: "I affirm that all information provided in this complaint is true and factual." followed by "Yes" and "No" radio buttons. The form also includes fields for "Your First Name", "Your Last Name", "Address", "City", "State", "Zip", "Phone Number", "Email Address", and "Today's Date". At the bottom, there is a "protected by reCAPTCHA" notice and a "Privacy - Terms" link.

Discussion and Q & A

For Consideration

Visible violations: Signs, lights, RVs, boats, dumpsters

- Pro-active enforcement of visible violations

- Expand CE coverage to include weekends and evenings

- Track complaints and observations by property, issue ticket on repeat violation at same location

- Lighting: educate electricians and lighting suppliers

- Illegal Construction, Dumpsters: Building permit list to Code Enforcement

General

- Hire additional code enforcement officers, increase fines and fees to help defray cost

- Establish monthly report on Code Enforcement to Town Board
Education

 - Create a guidebook (“Citizen’s Guide to Southold Town Code”) to distribute to the public

 - Increase compliance through awareness

 - Reduce unfounded complaints

- Continue to upgrade Muncity system

Who Enforces the Town Code?

It can vary by code chapter:

Rentals

- Building Inspectors
- BP Examiner
- Zoning, Electrical, Plumbing Inspectors
- Fire Marshalls
- Code Enforcement Officer
- Stormwater Manager
- Town Engineer

Fire Protection and Building Codes

- Building inspectors
- Director of Code Enforcement
- Engineer Inspector
- Building Permits Examiner
- Fire Inspector
- Code Enforcement Officer

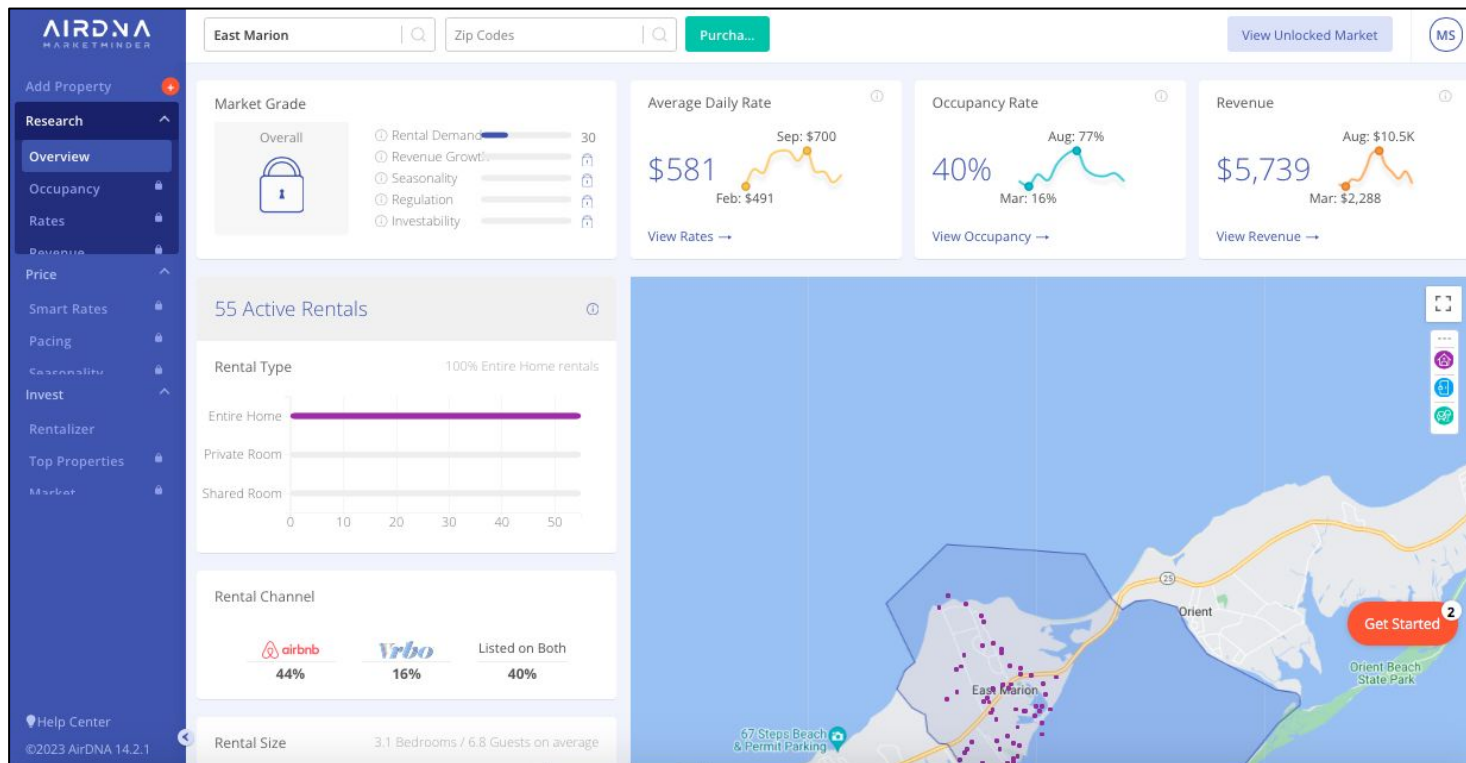
Short Term Rentals: East Marion Example

55 short term / transient rentals available in East Marion
Marion as of February 2023

2.2 square mile hamlet

About 5% of East Marion housing units

\$580 average nightly rate



Short Term Rentals: Southhold Example

Kenney's Beach Neighborhood

- 7 offerings for 6-night stays
 - Only 1 references 14-day minimum stay
- Average nightly rate: \$502/night

The screenshot displays an Airbnb search interface for Peconic, NY, for a stay from June 23 to 29. The search results show 7 listings, with a map view on the right side. The listings are as follows:

Listing Title	Rating	Reviews	Bedrooms	Price per Night	Total Price
Apartment in North Fork Beach Studio 2	4.71	14	1 bed	\$300	\$216 night · \$1,593 total
Loft in North Fork Beach Loft	4.81	16	1 queen bed	\$400	\$250 night · \$1,255 total
Home in North Fork North Fork Lakefront cottage near...	4.86	7	2 beds	\$320	\$320 night · \$2,727 total
Cottage in North Fork	4.89	18	2 bedrooms	\$435	
Villa in North Fork	4.89	18	3 bedrooms	\$1,549	
Home in North Fork	4.86	7	2 beds	\$216	

The map view on the right shows the location of these listings around Great Pond in Peconic, NY. The prices are labeled on the map: \$216, \$250, \$320, \$320, \$435, and \$1,549.