

Local Law Filing

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

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

County City Town Village
(Select one.)

of Elbridge

FILED
STATE RECORDS
AUG 08 2023

DEPARTMENT OF STATE

Local Law No. 2 of the year 2023

A local law

(Insert Title)

Article XVIII
Short-Term Rentals

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

County City Town Village
(Select one.)

of Elbridge as follows:

" Attached "

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the (County)(City)(Town)(Village) of Elbridge was duly passed by the Town Board on July 27 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

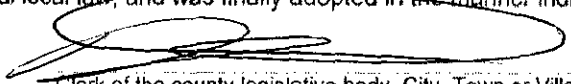
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



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

Date: 08.02.2023

(Seal)

Article XVIII Short-Term Rentals

§265-100. Definitions.

The term “short term rentals” as used herein shall have the following meaning - A residentially zoned property that is rented to a visitor for less than 30 days.

§265-101. Registration of Short-Term Rental Properties; Fees.

In addition to all other applicable provisions of this Town Code, all owners of one or more short-term rental properties must complete a registration form, in a form acceptable to the Town Building, Codes and Zoning Office, and are required to pay annual registration fee of \$100.00.

- A. The initial registration fee shall be submitted along with the registration form, and for each subsequent year that the owner intends to rent the dwelling as a short-term rental property, annual registration fees shall be due and payable upon the anniversary date of the filing of the initial registration form.
- B. If an owner intends to rent more than one dwelling within the Town as a short-term rental property, a separate registration fee must be paid for each dwelling.
- C. The Town Board may, from time to time, modify the registration fee.

§265-102. Violations.

An owner of a short-term rental property violates this Article whenever:

- A. The owner rents the dwelling as a short-term rental property without completing a registration form and/or remitting payment of all applicable fees pursuant to §265-101.
- B. The short-term rental property is cited for a violation of the New York State Property Maintenance Code or any other applicable federal, state or local statute or regulation.
- C. The owner continues to rent the property as a short-term rental despite the suspension or revocation of the registration in accordance with §265-104.

§265-103. Enforcement.

The Code Enforcement Officer of the Town of Elbridge shall have the authority to determine whether the owner of a short-term rental property has violated this Section, and to enforce his or her determinations pursuant to Article II of the Town Code of the Town of Elbridge. Violations of this Section may be determined by the Code Enforcement

Officer's firsthand observations, or after an investigation upon a complaint from a resident of the Town of Elbridge. Complaints must be in writing, and include the date, time and nature of the alleged violation as well as the address where the alleged violation occurred.

§265-104. Suspension or Revocation After Multiple Violations.

If the owner(s) of a short-term rental property are found to have violated any provision of this Section on two or more occasions, the Code Enforcement Officer shall have the authority to suspend or revoke the registration of any short-term rental property where such violations shall have occurred.

§265-105. Appeals.

Upon receipt of a determination of the Code Enforcement Officer pursuant to this Section and Article II of the Town Code of the Town of Elbridge, the short-term rental property owner shall have the right to appeal said determination within 30 days. The appealing owner shall make a written request for a hearing to the Town Clerk, and the Town Board shall hear the appeal at its next regular meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the Town Board shall accept evidence offered by the property owner, the Code Enforcement Officer and any other witness with relevant evidence. After the hearing, the Town Board shall decide the appeal, and, in so doing, may uphold the Code Enforcement Officer's decision, reject it or modify it.

§265-106. Penalties.

Any person or entity acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of a violation shall be considered a separate offense. In addition to such penalties, the Town of Elbridge may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

§265-107. Compliance with Tax Laws.

All owners offering a short-term rental must comply with all applicable local, state and federal tax requirements.

Section 4.

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason held invalid or unconstitutional by any court, such portion, subsection, sentence, clause, or phrase shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Local Law.

Section 5.

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