

**LOCAL LAW FILING**

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

(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 of Phelps**  
Village

Local Law No. 3 of the year **2023**

A local law **Amending the Code of the Town of Phelps to Add a Short-Term Rental Law**

(Insert Title)

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

County  
City  
**Town of Phelps**  
Village

as follows:

**Section 1.** The Code of the Town of Phelps is hereby amended by adding a new Chapter 111 to read as follows:

Chapter 111

**Rentals, Short-Term**

**§ 111-1.** Legislative intent and purpose

- A. In the development of and execution of this local law, it is recognized that the short-term rental establishments, the Potential loss of residential feel of neighborhood, community feel, nuisances for neighbors (light, noise, trash), parking issues, safety concerns, infrastructure concerns and housing market concerns for long term residences.
- B. It is the purpose of this article to regulate the creation, operation of short-term rentals, as herein defined, in order to achieve the following:

- (1) To preserve the character and quality of life in the Town of Phelps' neighborhoods and business areas.
- (2) To control harmful and adverse secondary effects on the surrounding areas as: decreased property values; infrastructure concerns; parking and traffic problems; loss of business for surrounding businesses and deterioration of neighborhoods.
- (3) To ensure that the adverse effects of these specific uses will not contribute to the blighting or downgrading of the surrounding neighborhood.

The purpose of this Chapter is to regulate the business involving the short-term rental of residential properties to ensure such rentals do not create public safety hazards nor become disruptive to the quality of life for other residents in the neighborhood where the property is located. It is the policy of the Town of Phelps to encourage stable residential neighborhoods for the health and well-being of all Town residents, businesses and guests. The Town permits short-term rentals under conditions that foster neighborhood cohesion and that attempt to keep property values affordable for owner-occupancy.

**§ 111-2.** Authority – This chapter is adopted pursuant to:

- A. Section 10 of the New York State Municipal Home Rule Law, which empowers the Town of Phelps Town Board to adopt laws relating to the government, protection, order, conduct, safety, health and well-being of person or property within the Town, and outside any village, to include the power to adopt local laws providing for the regulation or licensing of occupations or businesses which such power includes the power to adopt a local law regulating the use of buildings for short-term rentals; and
- B. Section 130 of New York State Town Law and, specifically, the police powers set forth therein in paragraph 3-a (to adopt housing code regulations), paragraph 11 (to adopt regulations preserving the peace, good order and safety), paragraph 15 (to adopt regulations promoting the public health, safety, morals and general welfare, including the protection and preservation of the property of the town and of its inhabitants) and paragraph 119 (to adopt regulations prohibiting trespass and preserving peace and good order).

**§ 111-3.** For purposes of this Chapter the following words and phrases shall have the definitions and meanings set forth below:

**DWELLING:** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons intended for nontransient use. Manufactured and modular homes are included. Recreational vehicles and travel trailers are not included.

**DWELLING UNIT:** One or more rooms, including cooking facilities, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes. Each unit shall be in conformance with the applicable regulations of the New York State Uniform Fire Prevention and Building Code.

**SHORT TERM RENTAL:** The rental of any dwelling or dwelling unit or part thereof for less than 30 days to an individual or individuals. A recreational vehicle shall not be considered a dwelling, dwelling unit or short-term rental or short-term rental property for the purposes of this chapter and shall not have a short-term rental permit issued for it. A subject property engaging in nonstructural short-term rentals, (recreational vehicles/camping/tents) is prohibited and shall not be considered for a short-term rental. Ongoing month to month tenancies are excluded from the provisions of this Chapter.

**HOSTED:** The onsite presence of the owner at the property during the duration of the rental period.

**OWNER:** A human person or human persons who are the record titled owner or owners of the property for which a short-term rental permit is sought or has been issued. All owners must have their primary residence located within 125 miles of the rental property. No short-term rental permit shall be issued or effective if any owner of the property is a non-human entity, including, but not limited to, a corporation, limited liability company, partnership, joint stock company, estate, or trust.

**UNHOSTED:** The absence of the owner on-site at the property during the duration of the rental period

**§ 111-4.** Presumption of dwelling unit as short-term rental property.

- A. The presence of the following shall create a presumption that all or a part of the property is being used as a short-term rental:
- (1) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 30 days; and/or
  - (2) All or a part of the property is offered for lease for a period of less than 30 days through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a short-term rental.

**§ 111-5.** Permit required.

- A. Site preparation or construction of a short-term rental establishment shall not commence, nor shall any existing dwelling, dwelling unit, property or structure be

occupied or used as a short-term rental until a short-term rental permit has been issued in accordance with this Chapter.

- B. Pre-existing short-term rentals. Notwithstanding any other provision of this Chapter, short-term rentals already in existence at the effective date of this Chapter, whether hosted or unhosted, shall be required to comply with the requirements of this Chapter within 60 days of its effective date.
- C. All applicants for a short-term rental permit, or a renewal of an existing short-term rental permit, shall submit to the Code Enforcement Officer a completed application, on a form provided by the Town and signed by all owners and include or be accompanied by the following:
  - (1) Payment of a short-term rental permit fee, to be determined by resolution of the Town Board
  - (2) A copy of the current vesting deed of the property showing how title to the subject property is then held.
  - (3) A parcel location map.
  - (4) A drawing drawn to scale, indicating the portion of the parcel, dwelling or dwelling unit to be developed or used for a short-term rental, as well as all the required appurtenances. This drawing must indicate the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Parking in yards is not allowed. Parking in the road/street is not allowed.
  - (5) If the property is served by a private septic system, a septic inspection report issued pursuant to Chapter 136 of the Code of the Town Phelps, dated within 90 days of the date of the application, stating the size of the tank(s) and showing the location of the leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with Chapter 136, and the maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the New York State Department of Health Appendix 75-A of Part 75 of Title 10 of the New York Codes, Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A system failure will require a new passing inspection report.
  - (6) The number of bedrooms, such term to have the same meaning as set forth in the New York State Uniform Fire Prevention and Building Code, and

approximate square footage in the property and the maximum number of overnight occupants.

- (7) If the application is for the renewal of a short-term rental permit, the record of all calls or complaints made in the preceding.
- (8) The name, address, telephone number, emergency telephone number, and e-mail address of all the owners (including an authorized agent(s), if other than an owner, who will be available for the duration of any rental period and a secondary emergency contact individual).
- (9) An acknowledgement of present and ongoing compliance with the short-term rental standards as defined in this chapter, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed short-term rental.
- (10) An acknowledgment that the owner(s), agent(s) and secondary emergency contact individual have read and are familiar with the regulations contained in this Chapter.
- (11) A statement that none of the owners have had a short-term rental permit revoked within the previous year for any rental properties owned individually or together with others.
- (12) A notarized certification of the accuracy of the information submitted and an agreement to comply with any and all conditions of the short-term rental permit.
- (13) Written consent for the Town Code Enforcement Officer to enter the subject property and the short-term rental for purposes of conducting all inspections called for in this Chapter as part of the review of a short-term rental application, as part of ensuring compliance with the regulations, requirements and standards of this Chapter and as part of the investigation of a complaint alleging a violation of this Chapter or of a permit issued pursuant to this Chapter.

D. Inspection. In evaluating an application for a short-term rental permit, the subject property shall be inspected by the Town Code Enforcement Officer to determine the maximum parking capacity for the property and to verify compliance with provisions of this Chapter and the New York State Uniform Fire Prevention and Building Code. Upon an application for renewal of a short-term rental permit, the subject property shall be reinspected to ensure continued compliance with this Chapter. Upon the Code Enforcement Officer's acceptance of a completed short-term rental permit application, or renewal application, all documents and information required by this section and the permit fee, the Code Enforcement

Officer shall have 30 days to conduct the property inspection to certify and approve that all short-term rental requirements have been met.

(1) Inspection to include but not limited to:

- (a) Ensuring that smoke detectors are located within each bedroom.
- (b) Ensuring that a smoke detector is located within 15' outside of each bedroom.
- (c) Ensuring that a carbon monoxide detector is located outside the bedrooms.
- (d) Ensuring that a carbon monoxide detector is on each level.
- (e) Ensuring that there are not obvious open electrical defects.
- (f) Ensuring that existing plumbing fixtures are appropriate.
- (g) Ensuring that ample egress is available.

E. The short-term rental permit is not transferable to a new owner. The new owner of the premises subject to a short-term rental permit must file a new permit application.

F. Owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards stated in this Chapter must petition to the Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals in accord with § 145-65 C. of the Town of Phelps Zoning Ordinance.

**§ 111-6.** The Town Code Enforcement Officer may decline an application for any of the following reasons:

- A. If the application is incomplete, the documentation required by this chapter was not included with the application or the full permit fee was not included with the application.
- B. If the Town of Phelps issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
- C. If, following the inspection conducted by the Town Code Enforcement Officer as authorized in this Chapter, the Code Enforcement Officer finds that the subject property is not in compliance with this chapter or with the New York State Uniform Fire Prevention and Building Code.

- D. If the drawings and documents required to be submitted with the application do not comport with the requirements of this chapter.
- E. If the private septic inspection report required to be submitted with the application does not comport with the requirements of this chapter or with the Wastewater Management Law of the Town of Phelps.
- F. In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, he/she may request additional information to clarify or verify the situation. A failure to cooperate and provide accurate and complete information is grounds for denial of the permit.

**§ 111-7.** Upon approval of the short-term rental application by the Code Enforcement Officer, a short-term rental permit will be issued. Short-term rental permits issued pursuant to this chapter shall state the following:

- A. The names, addresses and phone numbers of every owner and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
- B. The maximum occupancy and vehicle limits for the short-term rental unit;
- C. Identification of the number and location of parking spaces available;
- D. A statement that littering is illegal;
- E. A statement that all fires must be attended and in an approved location and containment;
- F. A statement that guests must comply with the Noise Ordinance of the Town of Phelps, as set forth in Chapter 96 of the Town Code, as amended, which sets strict limits on noise levels between 10:00 p.m. and 7:00 a.m., which ordinance will be enforced by the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
- G. A statement that the short-term rental permit may be revoked for violations;
- H. Any conditions imposed by the Town Code Enforcement Officer; and
- I. The expiration date of the permit.

**§ 111-8.** Conformity and display of permit.

- A. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- B. Prior to any tenants coming onto the short-term rental property:
  - (1) A current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rentals;
  - (2) A copy of the current short term rental permit shall be provided to every adjacent property owner and to every property owner within 500 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property). A statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Town Code Enforcement Officer; and
  - (3) The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Officer immediately upon any information contained on the permit or in the application changing. If, based on such changes, the Code Enforcement Officers issues an amended or a new short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended or new permit and must immediately provide a copy of the amended or new permit to every adjacent property owner and to every property owner within 500 feet of the short-term rental property.

**§ 111-9.** Conditions

- A. The owner shall, by written agreement with the renter, limit the number of overnight occupants and their vehicles to the number approved in the short-term rental permit and provide rules for the disposal of refuse, including but not limited to the refuse pickup day.
- B. Signs advertising the short-term rental shall not be allowed upon the property. This includes but is not limited to yard signs, sandwich boards and permanently mounted signs.
- C. Address Identification shall be adequately marked with appropriate house numbers per New York State Residential Code R319.1.
- D. Call response availability. The owners and/or agents, and second emergency contact person shall be personally available by telephone on a twenty-four-hour basis to respond to calls or complaints regarding the condition or operation of the



subject property. Failure to respond to calls or complaints in a reasonably timely and appropriate manner shall constitute a violation of this Chapter and may be grounds for revocation of the short-term rental permit. For the purposes of this Chapter, responding in a reasonably timely and appropriate manner means that an initial call shall be responded to within one hour of the initial call, and any corrective action shall be commenced within 24 hours of the initial call. The owner shall maintain a record of each caller or complainant, details of the call or complaint, the date and the time of each call or complain, details of the owner's response and corrective action, and any other documentation associated with such call or complaint and shall provide such records to the Town upon demand, and/or as part of any revocation hearing or application for renewal of the short-term rental permit.

- E. The owner shall demonstrate consistent efforts to ensure that the occupants of the property do not create excessive noises, as defined in The Phelps Town Code Chapter 96, and/or engage in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, or violate provisions of this Chapter. The use of illegal drugs or of a controlled substance without a prescription by occupants is prohibited. The owner shall promptly respond to any complaints of violations of this Chapter by any occupants of the subject property or by any third parties.
- F. The owner, upon notification that occupants of the property have created excessive noises and/or engaged in conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, or otherwise violated provisions of the Chapter, shall promptly use best efforts to prevent a recurrence of such conduct.
- G. The subject property shall, at all times, regardless of whether the property is occupied, be in compliance with the Town Code and New York State Uniform Fire Prevention and Building Code, and any other applicable laws and codes.
- H. The Town of Phelps Code Enforcement Officer shall have the authority to impose additional conditions related to the use of the subject property as a short-term rental as may be deemed necessary to achieve the objectives of this Chapter.

#### **§ 111-10. Permit Term**

A short-term rental permit issued under this Chapter shall be valid for one year from the date of issuance, subject to subsequent renewal periods of every two years, at the discretion of the Planning Board based on the history of complaints and violations under this Chapter relating to the subject property during the preceding permit period. Renewals will necessitate a reinspection by the Town Code Enforcement Officer prior to issuance.

**§ 111-11. Enforcement, Compliance and Penalties**

- A. Violations of this section or of any short-term rental permit issued pursuant to this section shall be subject to enforcement and penalties prescribed in this chapter.
- B. It shall be the duty of the Town of Phelps Code Enforcement Officer to enforce the provisions of this Chapter.
- C. The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:
- (1) The complaining party shall first attempt to contact the owner and/or agents designated on the permit, describe the problem, and indicate the desired remedy.
  - (2) The owner and/or agents shall, within two hours of receiving the complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or the short-term rental permit for the property.
  - (3) The complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement of any attempts that the complainant made to contact an owner or the contact person and whether the complaint was adequately resolved.
- D. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this section or of any short-term rental permit issued pursuant to this section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is or was a violation of this code, the owners shall be notified in writing by first class mail and certified return receipt mail of said violations and the Code Enforcement Officer may take any or all of the following actions:
- (1) Attach conditions to the existing short-term rental permit.
  - (2) Suspend the short-term rental permit. The notice of suspension shall be provided to the property owner and a copy filed with the Town Clerk.
  - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of

notice from the Code Enforcement Officer or the owner risks revocation of the short-term rental permit.

- (4) Issue a court appearance ticket for violation of a Town law.
- (5) Revoke the short-term rental permit. Should a permit be revoked, all owners of the short-term rental are prohibited from obtaining a short-term rental permit on the property for one year after the date of revocation. The Code Enforcement Officer shall send notices of revocation to property owners and shall file a copy with the Town Clerk.

E. Penalties for offenses.

- (1) A violation of this chapter is hereby declared to be a criminal offense, punishable by a fine not exceeding \$250.00. Each day's continued violation shall constitute a separate additional violation.
- (2) If any building, structure, dwelling, dwelling unit, lot, parcel, recreational vehicle, or part thereof is used in violation of this chapter, the Town, in addition to other remedies, penalties or enforcement measures, may institute any appropriate action or proceeding to enjoin, stop, restrain, correct or abate such violation.

§ 111-12. Grounds for suspension or revocation of permit.

A. The Code Enforcement Officer may immediately suspend a short-term rental permit based on any of the following grounds:

- (1) Discovery of an immediate health hazard to occupants.
- (2) Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
- (3) Applicant failed to meet or comply with any of the requirements of this Chapter.
- (4) Owner is in violation of any provision of the Code of the Town of Phelps.
- (5) Any owner or any short-term rental tenant has violated any provision of the Penal Law of the State of New York, which violation occurred at, or was related to the occupancy of the short-term rental.
- (6) Any conduct on the premises, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

- (7) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

**§ 111-13.** Appeals and hearings.

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when a property owner's application for a short-term rental permit or a short-term rental permit renewal is denied or a short-term rental permit is suspended or revoked. A notice of appeal shall be filed with the Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the denial, suspension or revocation with the Town Clerk. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.

**Section 2.** If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

**Section 3.** This local law shall take effect immediately upon filing with the Secretary of State.

(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. 3 of 2023 of the **Town of Phelps** was duly passed by the Phelps Town Board on June 12, 2023, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_ in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.

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

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

<sup>1</sup> 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 2005 of the City of \_\_\_\_\_ 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 1, above.

  
Clerk of the Town

(Seal)

Date: 8/8/2023

**RESOLUTION AUTHORIZING ADOPTION OF A LOCAL LAW AMENDING THE CODE OF THE TOWN OF PHELPS TO ADD A SHORT-TERM RENTAL LAW**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Phelps for a public hearing to be held by said Town Board on June 12, 2023, at 7:00 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law Amending the Code of the Town of Phelps to Add a Short-Term Rental Law"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Phelps, on May 26, 2023 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on June 12, 2023, at 7:00 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRR; and

**WHEREAS**, the Town Board of the Town of Phelps, after due deliberation, finds it in the best interest of the Town of Phelps to adopt said Local Law.

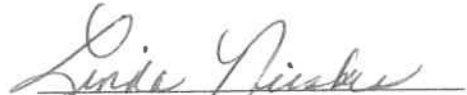
**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Phelps hereby adopts said Local Law No. 3 of 2023, entitled, "A Local Law Amending the Code of the Town of Phelps to Add a Short-Term Rental Law", a copy of which is attached hereto and made a part hereof, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Phelps and to give due notice of the adoption of this local law to the Secretary of State of New York, and be it further

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on June 12, 2023, by the following vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Norman Teed	—	—	<u>X</u>
Bill Wellman	<u>X</u>	—	—
Kent Ridley	<u>X</u>	—	—
John Duchesneau	<u>X</u>	—	—
Ron Allen	<u>X</u>	—	—

Dated: July 13, 2023

  
Linda Nieskes, Town Clerk

SEAL

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

September 1, 2023

Robyn L Hanna  
Graff Law Office  
26 East Main Street  
Clifton Springs NY 14432-0604

**RE: Town of Phelps, Local Law 2, 3, 4 2023, filed on August 24 2023**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492