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**IN THE MATTER**

**Of**

**A LOCAL LAW 2023 - \_\_\_ TO CREATE A  
SHORT TERM RENTAL PROVISION IN  
THE TOWN CODE, INCLUDING, BUT NOT  
LIMITED TO REGISTRATION OF SHORT  
TERM RENTAL PROPERTIES**

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**RESOLUTION CALLING FOR  
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF POMPEY**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Pompey, located at 8354 U.S. Route 20, Manlius, NY, County of Onondaga, State of New York, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023, at 6:30 p.m. The Meeting was also livestreamed on the video platform commonly referred to as Zoom and on the Town’s Facebook page. The meeting was called to order by Renee Rotondo, Supervisor, and the following were present, namely:

Renee Rotondo	Supervisor
Diana Carpenter	Councilor
Ann Christmas	Councilor
Bill Lipe	Councilor
James Loomis	Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law 2023 - \_\_\_, entitled “A Local Law Amending Chapter 165 to amend Article IV and create a new Section 165-14.1 that regulates the Use of Short Term Rentals in the Town of Pompey the text of which is as follows:

**LOCAL LAW 2023-\_\_\_, A LOCAL LAW AMENDING  
CHAPTER 165 TO AMEND ARTICLE IV  
(SUPPLEMENTAL REGULATIONS) AND CREATE A NEW**

**SECTION 165-14.1 THAT REGULATES THE USE OF  
SHORT-TERM RENTALS IN THE TOWN OF POMPEY:**

**Be it enacted by the Town Board of the Town of Pompey, Onondaga County, New York as follows:**

Section 1. Section IV of Chapter 165 of the Town Code shall be amended as:

§165-14.1 Short Term Rental Law

A Purpose and Intent

The purpose and intent of this Section is to establish the means to secure the health, safety, and welfare of property owners, residents, and the public regarding the operation of Short-Term Rental businesses.

B. Definitions

As used in this Section, the following words shall have the meanings indicated:

**AMENITY:** A feature in addition to a dwelling including, but not limited to, pools, party rooms, gyms, decks, hot tubs, decks, and barns.

**DWELLING:** As defined in Section 165-2 – “Definitions and word usage”

**RENTAL:** Granting use or possession of a Dwelling in whole or part to a person or group in exchange for some form of valuable consideration.

**SHORT-TERM RENTAL DWELLING:** A Dwelling, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than thirty (30) consecutive days to any person or entity, but not including a hotel, motel, inn, campground or bed and breakfast, as defined in Section 165.2 of the Town Zoning Code.

**SHORT-TERM RENTAL OWNER (“Owner”):** All entities having an ownership interest in a Short-Term Rental Dwelling that is used as a Short-Term Rental.

**SHORT-TERM RENTAL PROPERTY (“Property”):** The entire area under ownership or control of the Short-Term Rental Owner, including, as applicable, the parcel of land on which a Short-Term Rental is located, together with the dwelling in which it is located and any other structures or amenities on the parcel. This may also include common/jointly owned parcels as defined in the Short-Term Rental Property deed.

### C. Permit Required

- (1) Whenever a Property is to be used as a Short-Term Rental, the Owner shall obtain a revocable Short-Term Rental Permit from the Town of Pompey.
- (2) A Short-Term Rental Permit shall be obtained prior to use of the Property as a Short-Term Rental. The cost and duration of the permit shall be set by the Town Board from time to time by resolution.
- (3) A Short-Term Rental Permit is valid for a period of three years and, upon expiration, must be renewed in order to continue operation.
- (4) Short-Term Rental Permits are non-transferable. If a Property is sold or otherwise transferred, at any time that the new owner plans to utilize the property as a Short-Term Rental, the new owner must apply for and obtain a new Short-Term Rental Permit within sixty (60) days of the planned date of Rental.
- (5) Issuance of a Short-Term Rental Permit is a privilege, not a right. Permits shall be limited to forty (40) total town parcels. The Board may, from time to time, adjust the number of permits based upon changes in the total number of town parcels, the impact on the availability of long-term rental housing in the town, the overall demand for short-term rentals and any other factor that the Board deems relevant and significant.
- (6) Failure to obtain a Short-term Rental Permit prior to operation constitutes a violation of this Section and is subject to the Enforcement/Penalties provisions of Subsection G herein.

### D. Permit Application Requirements

An Application for a Short-Term Rental Permit shall be submitted to the Town of Pompey Codes Enforcement Officer or the Deputy Codes Enforcement Officer:

- (1) Using a Form entitled “Short-Term Rental Permit Application” provided by the Town of Pompey;
- (2) Signed by all persons and entities that have an ownership interest in the Property; and
- (3) Accompanied by:
  - a. A copy of the vesting deed or other document showing how title to the Property is held. A list of the Short-Term Rental Owners, including names, addresses, telephone numbers, and e-mail addresses.
  - b. If the Owner(s) of the Property does not occupy the Property, the name, address, phone number, and e-mail address of a local contact for the Property who can be reached and respond in a timely manner to situations that might arise on the Property must be provided.
  - c. Proof of a satisfactory fire inspection of the Property conducted by the Town of

Pompey Codes Office or other qualified Fire Inspector within the sixty (60) days immediately preceding the permit application date and which proof sets forth the maximum occupancy for the Short-Term Rental Dwelling.

- d. A site plan of the Property (not required to be professionally drawn) that shows the location of the Dwelling and any other structures or amenities on the Property, a layout of the Dwelling interior, the square footage of the Dwelling, means of egress from the Dwelling, and off-street parking areas.
- e. Payment of the Short-Term Rental Permit fee as set by resolution of the Town Board.

#### E. Application Procedures

- (1) Within thirty (30) days of filing a Short-Term Rental Permit Application with the Codes Enforcement Office, including all documents required by this Section, a permit shall be either issued or denied, accompanied by an explanation in the case of a denial.
- (2) In issuing a Short-Term Rental Permit, the Codes Office may set reasonable conditions that are directly related to the use of the Property as a Short-Term Rental. Such conditions shall be consistent with the requirements of the Town Code and this Section and shall be imposed for the purpose of maintaining safety and minimizing any adverse impact the proposed Short-Term Rental may have on the community and neighborhood.

#### F. Short-Term Rental Requirements

Short-Term Rentals shall comply with the following requirements:

- (1) Properties shall not be rented to more than two (2) persons per bedroom plus two (2) persons, and in no event shall occupancy exceed the maximum occupancy load as determined by the Town of Pompey Codes Office.
- (2) Properties shall provide off-street parking with at least one space per number of bedrooms in the Dwelling.
- (3) Owners shall have written rules and regulations for the Property to ensure public health, safety, and general welfare and to promote a clean, wholesome, and attractive environment for the Owner's Property, adjacent property owners, and the neighborhood. At a minimum, rules should address curfew, noise, parties, parking limits, and trash disposal. See Addendum for sample rules.
- (4) Owners must provide all property owners within two hundred (200) feet of the Short-Term Rental Property with a copy of their signed Short-Term Rental Permit. A list of such property owners can be obtained from the Town Clerk's Office.
- (5) Owners are responsible for adhering to the Southern Onondaga Trash System (SOTS) collection schedule, if applicable. If not applicable, Owners are required to show proof of a contract with a waste disposal company for regularly scheduled trash collection.

- (6) Owners must post a copy of the current Short-Term Rental Permit and Owner Rules and Regulations in a conspicuous location inside the entry of the Dwelling whenever it is rented.
- (7) Owners must have an E911 house number visible from the street or road.
- (8) Owners must provide the Town of Pompey Codes Office in a timely manner any updates to the information originally supplied at time of application.

#### G. Enforcement and Penalties

- (1) When a complaint about the operations of a Short-Term Rental is received by the Town of Pompey Codes Office, an investigation shall be conducted. The complaint shall be submitted in writing on an official Town of Pompey Complaint Form available on the Town of Pompey website and at the Town of Pompey Codes Office.
- (2) The Town of Pompey Codes Office shall review the complaint and take action to determine its applicability to this Section. If it is found to be inapplicable, it shall be noted, and the complainant and Owner shall be notified in writing of the determination.
- (3) When a Short-Term Rental is found to be in violation of sections within this Section, the Town of Pompey Codes Office shall engage with the Owner to remedy the situation within a reasonable period of time as determined by the Codes Officer.
- (4) When an Owner fails to remedy the violation voluntarily and/or in a timely manner, further enforcement actions shall be taken.
- (5) Enforcement actions may include a Short-Term Rental Permit being revoked, suspended, or conditioned according to the following:

- a. For a first or second violation of this Section or the terms of a Short-Term Rental Permit, the Town of Pompey Codes Office shall issue a written Notice of Violation to the Owner mailed to the address(es) set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.

The Notice of Violation shall specify the violation and what actions must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If an Owner fails to remedy the violation within the specified timeframe, the Town of Pompey Codes Office may revoke, suspend, or attach reasonable conditions to the existing Short-Term Rental Permit.

- b. For a third or subsequent violation of this Section or the terms of a Short-Term Rental Permit, the Town of Pompey Codes Office shall issue a written Notice of Violation to the Owner that may revoke, suspend, or attach conditions to an existing Short-Term Rental Permit. Said Notice shall be mailed to the address(es) set forth on the Short-Term Rental Permit by certified or registered mail, return receipt requested.

- c. The Town of Pompey Codes Office may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Section or the terms of a Short-Term Rental Permit which poses a threat to the health, safety, or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Town of Pompey Codes Office shall notify the Owner in writing to the address(es) set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.
- d. An Owner may appeal a determination of the Town of Pompey Codes Office to suspend, revoke, or condition a Short-Term Rental Permit no later than thirty (30) days after the mailing of the Notice of Violation.

The appeal must be made in writing to the Town Clerk, and such appeal shall be heard by the Town Board at a regularly scheduled Town Board Meeting.

During the time following submission of an appeal and prior to the decision of the Town Board, the determination of the Town of Pompey Codes Office shall remain in place.

At the hearing, the Town Board shall accept evidence offered by the Owner, any complaining parties, the Town of Pompey Codes Enforcement Officer, and/or any other witnesses with relevant evidence.

The Town Board shall make its determination within ten (10) days after the hearing and may uphold, reverse, or modify the Town of Pompey Codes Office determination. The Town Board's determination shall be provided to the Owner in writing to the address(es) set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.

- e. If a Short-Term Rental Permit is revoked, no Short-Term Rental Permit may be obtained for the subject Property by the same Owner for at least one year following the revocation.

(6) The Town of Pompey Codes Office shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Section.

(7) Penalties. Any person or entity who shall violate any provision of this Section, any order made hereunder, or any rules or regulations adopted pursuant to this Section in addition to other penalties provided for in this Section shall be guilty of an offense punishable in the following manner:

- a. A fine of not more than \$350 for the first offense.

- b. A fine of not less than \$350 and not more than \$700 for a second offense; and
- c. A fine of not less than \$750 and not more than \$1000 for a third or any subsequent offense.

A civil action or proceeding in the name of the Town of Pompey, New York, may be commenced in any court of competent jurisdiction to compel compliance with this Section or any rule or regulation adopted pursuant hereto or to restrain by injunction the violation of any provision of this Section or any rule or regulation adopted pursuant hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.

(8) No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Section, or in any other applicable law. Any remedy or penalty specified in this Section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section. The Town may initiate enforcement proceedings under this Section or under Section 165-47 of the Code at any time following receipt of a complaint or if the Town of Pompey Codes Enforcement Officer or Deputy Codes Enforcement Officer determines that a violation has occurred.

(9) Each day a violation continues shall constitute a separate and distinct offense to which all penalties shall apply.

#### H. Severability

The invalidity of any clause, sentence, paragraph, or provision of this Section shall not invalidate any other clause, sentence, paragraph, or part thereof.

#### I. Effective Date

This Local Law shall take effect immediately upon filing with the New York Department of State.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Pompey, County of Onondaga, State of New York, shall hold a Public Hearing in the matter of the adoption of the aforesaid Local Law, and that such Hearing shall be held at the Town Hall of the Town of Pompey, located at, 8354 U.S. Route 20, Manlius, NY, County of Onondaga, State of New York, on \_\_\_\_\_, 2023 at 6:\_\_\_ p.m. and be it further

**RESOLVED**, that the Town Clerk give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held, and in general terms, describing the proposed Ordinance. Such notice shall be published once at least five (5) days prior to the Public Hearing.



I, **NICOLE REID**, Town Clerk of the Town of Pompey, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Pompey at a regular meeting of the Board duly called and held on the \_\_\_th day of \_\_\_\_\_ 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Pompey, this \_\_\_\_\_th day of \_\_\_\_\_, 2023.

DATED: \_\_\_\_\_, 2023  
Pompey, New York

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**NICOLE REID**  
**Town Clerk of the Town of Pompey**  
**Onondaga County, New York**