

**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 follows:

§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 excluded from the definition of dwelling 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 which is located thereon 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 Town Board shall set the cost and duration of the permit 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, and 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. From time to time, the Town Board may 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 Section 165-47 herein.

D. Permit Application Requirements

An Application for a Short-Term Rental Permit shall be submitted to the Town of Pompey Codes Enforcement Office in accordance with the following provisions:

- (1) Application shall be submitted 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 timely respond to situations that might arise on the Property.
 - 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 spaces.
- 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 Property 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 pursuant to the fire inspection referenced in Subsection D.(3).c above.
- (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 is available 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 with timely updates to the information originally supplied at time of application.

G. Enforcement and Penalties

A violation of any of the provisions of this Section shall be subject to the enforcement and penalty provisions of Section 165-47 herein, as amended from time to time.

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.