

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

of FRANKLIN

Village

Local Law No. 2 of the year 2023

A local law *(Insert Title)*

A local law adopted to establish short-term rental regulations and permitting within the Village of Franklin.

Be it enacted by the of the Village of Franklin of the
(Name of Legislative Body)

County

City

Town

of Delaware

as follows:

Village

Section 1: Legislative intent.

The purpose of this local law is to establish regulations and a permitting process for short-term rental properties within the Village of Franklin.

Section 2: Short-Term Rental Regulations

- A. Short-Term rentals, defined as rentals to one party of no more than 4 consecutive weeks or less, may not be established or occupied without first having obtained a license from the Village of Franklin Clerk. Prior to issuance or renewal of a license, the Village Clerk must determine that all the regulations in this sub-section are met for all short-term rental properties. Failure to continually meet the regulations in this sub-section will be cause for the Clerk to revoke a license or deny renewal. Licenses issued will be limited to a total of eight (8).
- B. Submit a Short-Term Rental Application annually, and associated licensing fee as shown on Application, for approval by the Village of Franklin Clerk. Upon receipt of a complete application, the Village Clerk will review and issue the Operator a License. Licensing Fees are subject to change, from time to time, with Village Board approval.
- C. The owner of the rental unit shall post a copy of the rental registration certificate, Good Neighbor Brochure, and shall provide each occupant of a rental unit with the following information prior to occupancy of the unit and/or post such

information in a conspicuous place within the unit:

- (1) The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis.
- (2) The maximum number of overnight occupants, and the maximum number of daytime occupants permitted to stay in the unit.
- (3) The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (4) Notification that the amplification of music outside of the rental unit is a violation of this article.
- (5) Notification that the responsible person may be cited or fined and/or immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this article.
- (6) Notification that failure to conform to the occupancy requirements of the rental unit is a violation of this article.
- (7) A copy of this article of the Village Code, as may be amended from time to time.

All advertising for a short-term residential rental shall include the valid certificate number issued to the registered owner. Reservation websites shall include the short-term residential rental policies or a working link to such policies.

- D. The operator of a licensed short-term rental property shall comply with local maintenance laws (i.e., parking, lawn cutting, property maintenance, noise) applicable to the property.
- E. The operator of a licensed short-term rental property shall not allow occupancy of the short-term rental property exceeding the occupancy indicated in the license.
- F. All Vehicles to be Parked on Site: The motor vehicles of all occupants of the short-term rental property shall be parked only on the site of the short-term rental property as approved on the license. No motor vehicles shall be parked on the lawn or landscaped areas of a short-term rental property, or right of way adjacent to the short-term rental property. Street parking restrictions will apply.
- G. Large Vehicles Not Allowed: No privately owned, non-governmental vehicle with a passenger capacity of twelve (12) persons or more shall be used to transport persons to or from a short-term rental property or parked upon the premises of a single-family accommodation.
- H. No RV's or trailers are allowed to be parked on a short-term rental property and utilized by renters.
- I. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of 5:00 a.m. and 8:00 p.m. on scheduled trash collection days. The owner of the rental unit shall use reasonably prudent business practices to ensure the highest level of solid waste collection service available to residential customers in the Village.
- J. Be Considerate of Your Neighbors – Keep Noise to A Minimum - No occupant(s) of a short-term rental property shall: (i) make, cause or control unreasonable noise upon the short-term rental property which is audible upon a private

- premises that such occupant has not right to occupy, or which is in violation of Local Law No. 2 of 2017 of the Franklin Village Code titled "Noise".
- K. Homeowner to Provide Village with Local Contact information: At the time of application and the issuance of the license the licensee shall provide to the Village the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Village concerning the short-term rental property. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent, or supervise the short-term rental property. The local contact person must be available for contact at all times. If said owner's principal place of business is not located within the county, or is located within the county but none of the business's officers or directors or members reside in said county, or the owner's principal place of residence is not located in said county, the owner must designate on the registry form a natural person 18 years of age or older who resides in the county as owner's agent whom the owner authorizes to make decisions regarding the management and maintenance of the building and upon whom service of legal process and all notices may be served or delivered. The owner's designation of an agent shall authorize and empower the agent to make such decisions on behalf of the owner. The designated local contact person may be changed by the licensee from time to time throughout the annual term of the license. To effect such change, the licensee shall notify the Village Clerk and Village Code Enforcement Officer of the change in writing and shall, at the time, provide the Village with the name, address, and telephone number of the licensee's replacement contact person. Any replacement contact person shall meet the requirements of this paragraph.

Section 3: Enforcement and Penalties

Penalties for the non-compliance with the above regulations are listed in the Application and are subject to change, from time to time, with Village Board approval. Any violations of this village law must be presented to the Village Clerk or Code Enforcement Officer, in writing, and signed by the complainant. Penalties for non-compliance at a licensed short-term rental property shall be as follows:

- A. Any person who uses, or allows the use of, property in violation of the provisions in this article are subject to a fine in the amount of \$250 and each subsequent violation shall be \$500.
- B. Upon three violations in any twenty-four-month period, the Village may suspend or revoke the rental registration certificate for a rental unit. Suspension or revocation may, at the Village's discretion, result in an owner being ineligible to apply for a rental registration certificate for three years.
- C. Operating without a valid certificate is prohibited. Evidence of operation may include guest testimony, rental agreements, receipts, advertising, or any other information deemed relevant by the Village. Operating without a valid rental registration certificate shall result in an owner being ineligible to apply for such certificate for three years.

- D. The remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Village to address any violation of this Code or other public nuisance.

Section 4: Permit fees

The annual fee for a rental unit license is \$125.00.

Section 5: Short-term Rental Checklist

- A. Is street address visible from outside, street side?
- B. Are all emergency egress routes compliant?
- C. Have life safety systems been serviced in the last 12 Months?
- D. Ensure that combustibles are not too close to baseboard heaters?
- E. Ensure that there are fire extinguisher(s) in place for guest use?
- F. Fire extinguisher is visible, mounted and receiving annual servicing/inspection? If not in a visible location, door to extinguisher shall be labeled.
- G. Is there a CO alarm(s)? – Location(s)

- H. Does the attached garage have a fuel burning appliance?
- I. Are smoke alarms in proper locations? – one for every bedroom?
- J. Check age of smoke alarms (<10 years)
- K. Has the property had an annual fire inspection?
- L. Verify backup battery is working if hardwired.
- M. Guests must have access to electrical panels – no lockouts.
- N. Fire safety and evacuation plans detailing primary and secondary egress, location of fire extinguishers, procedures to follow in the event of an emergency, outside meeting place, and other life safety instructions shall be displayed in a permanent location for guests.
- O. Number of on property parking spaces available: _____
- P. Maximum number of Occupants: _____

Section 6: Village of Franklin - Short Term Rental Unit Application

GENERAL INFORMATION -

Owner Name: _____

Owner Address: _____

Owner Cell Phone: _____ Other Phone: _____

Owner Email: _____

RENTAL PROPERTY INFORMATION:

Street address _____ Unit # _____

of Bedrooms: _____ # of Beds: _____ Max# of Vehicles: _____

Maximum number of occupants: _____

EMERGENCY CONTACT: Single-family, short-term rental units must supply a local Contact:

Name: _____ Cell Phone: _____

Address _____

PROPERTY MANAGEMENT INFORMATION

Are you using a rental or property management company or Platform? YES NO

Name of Management Company: _____

Responsible Party Name: _____

Physical Address: _____

Phone: _____ Email: _____

Do you plan to rent the accommodation unit yourself? Yes No

If you are self-managed, please circle one: VRBO, AirBnb or other _____

& listing # _____

Note: Regardless of who rents the unit, the owner is responsible for ensuring that your license # is clearly shown in any ad or listing

AFFIDAVIT (signature required) I declare under penalty of perjury in the second degree that the

statements made in this form are true and complete to the best of my knowledge. I have read and

understand all Village of Franklin Short-term Rental Regulations.

Authorized Signature

Print Date:

Section 7: Enforcement

This local law shall be enforced by the Delaware County Sheriff's Department, the New York State Police, or any other law enforcement officer.

Section 8: This local law shall take effect upon the filing with the Secretary of State of the State of New York.

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.~~

(Seal)



Paula Neubank

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

Date: 6/24/24

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Delaware

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title
County
City of _____
Town
Village
Date: _____