

**TOWN OF FRANKLIN
LOCAL LAW NO. 3 OF THE YEAR 2024**

**A LOCAL LAW ENTITLED
“TRANSIENT AND SHORT-TERM RESIDENTIAL RENTALS”**

Be it enacted by the Town Board of the Town of Franklin as follows:

Section 1. **Title**

This Local Law shall be known as the “Transient and Short-Term Residential Rentals Local Law.”

Section 2. **Legislative intent, purpose, and authority.**

It is the general purpose and intent of this article to establish a permitting process for short-term residential rentals to protect the general health, safety, and welfare of the residents of the Town of Franklin, and provide a means to enable the Town to monitor such rentals. This local law is enacted pursuant to the provisions of the Municipal Home Rule Law and the Town Law of the State of New York.

Section 3. **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

SHORT-TERM RESIDENTIAL RENTALS

Properties used as short-term transient rentals, under 30 days, unoccupied by owner or occupied by both owner and a transient guest.

TRANSIENT

To remain in a place for only a short time, typically less than 30 days. It shall also mean a person who stays there for a short time, such as a hotel guest or a resident of a short-term residential rental.

BEDROOM

Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOCAL MANAGER

The person specifically named on the application and permit who is responsible for the day-to-day operation of the Transient Rental Unit (as defined below), and who may be contacted, day or night, if there is a problem at the Unit. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (30) miles of the Transient Rental Unit.

NON-RESIDENT OWNERS

Owners whose primary residence is further than thirty (30) miles from the Transient Rental Unit.

PARKING SPACE

A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of-way to a public street or highway, intended for the temporary storage of motor vehicles. Off-street parking shall not be utilized for any RV parking or camping unit during the permit period.

Section 4. Permit required.

In order to obtain a permit for a short-term residential rental, a property owner shall first request an inspection from the Office of Code Enforcement. Upon passing inspection and after the property owner pays the annual fee, the office of the Code Enforcement will issue a Certificate of Occupancy. The annual fee for such inspections and permits shall be set by the Town Board. No property owner shall be permitted to rent to a transient without first obtaining such permit and paying the annual fee. The permit is valid for the rental registry year, which is January 1 to December 31.

No permit will issue without proof of registration with Delaware County for collecting the occupancy tax, or proof on Delaware County letterhead that the property is exempt from collecting the occupancy tax. No renewal permit will issue without proof the property owner has paid all applicable taxes owed to Delaware County, or proof that the property remains exempt from collecting occupancy taxes.

Section 5. Location.

All short-term residential properties must provide on-site parking; street parking shall not be permitted. A 911 location sign shall be posted clearly at the end of the driveway.

Section 6. Specific requirements.

Application. All property owners desiring to rent or lease on a transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, effect, or supersede any regulations or requirements of the Town of Franklin Site Plan Review if appropriate, any regulations or requirements imposed by the County of Delaware, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Section 7. Fee.

A nonrefundable permit fee set by Town of Franklin Town Board for each Transient Rental Unit shall be submitted with each new application and each annual renewal application. The amount of such permit fee may be changed from time to time by resolution of the Town Board.

Section 8. Permit Application Forms.

Applications for a permit to operate a Transient Rental Unit shall be available from either the Town Clerk or the Code Enforcement Officer. Applicants must file a separate application and tender a

separate application fee and obtain a separate permit for each dwelling unit to be used for transient rentals.

Section 9. Permit Application Process.

- A. The initial permit application to operate a Transient Rental Unit shall be submitted to the Town of Franklin Town Clerk along with the application fee. The applicant shall be notified of any additional information required within twenty (20) days of receipt of the application and application fee.
- B. The initial permit application must include the following:
 - 1. Contact information: The names, addresses and day and night telephone numbers of the property owner and local manager must be included on the application. The contact information for the local manager may be made public as part of a municipally maintained database.
 - 2. Parking: The number of off-street parking spaces shall be indicated on the application. Off-street parking shall be provided to accommodate the occupancy of the structure. Vehicles will neither be parked on lawns, nor along public roads, nor within the Town's right of ways, nor shall they be parked at a private, off-premise location without express written permission of the property owner submitted with the application. Any vehicles parked along the New York State highway will be subject to winter-related parking restrictions as per New York State Department of Transportation.
 - 3. Occupancy: The occupancy level shall be indicated on the application. Occupancy of the entire premises is limited to no more than two persons over the age of two per bedroom, unless further restricted by fire and safety codes. The Code Enforcement Office may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms and sleeping rooms, and according to the provisions of state laws.
 - 4. Description: Either a floor plan or a written indication of the number of bedrooms, bathrooms, and kitchens associated with the property.
 - 5. House rules: The applicant shall submit a copy of the house rules. At a minimum, house rules must contain the contact information for all emergency services and the local manager; plus, information concerning relevant local laws.
 - 6. Jurisdiction: If a property owner does not reside in the Town of Franklin, then he or she must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local Manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Delaware County.
 - 7. Insurance and Bed Tax: Applicant shall provide proof of liability insurance coverage and a bed tax identification number.

- C. Upon receipt of the application and fee, the Town Clerk shall refer the application to the Code Enforcement Officer to determine if the applicant has complied with all of the requirements of this local law. If the applicant has fully complied, then the Code Enforcement Officer shall issue the property owner a transient rental permit. However, if an applicant is required to obtain any other permits required by the Town of Franklin, County of Delaware, or State of New York in order to rent or lease their dwelling unit on a transient basis, then the Code Enforcement Officer shall not issue the applicant a permit under this local law without sufficient proof that such other requirements imposed by the Town of Franklin, County of Delaware, or State of New York have been satisfied. By submitting the application along with proof such other requirements have been satisfied, or that there are no other requirements impeding the issuance of a permit under this local law. If the Code Enforcement Officer receives notification from another department or agency of the Town, New York State, or the Federal governments that certain permits or authorizations have not been issued, the Code Enforcement Officer may immediately revoke the permit issued under this local law and commence enforcement proceedings against the property owner or the Local Manager as necessary.

Section 10. Renewal Permits.

To obtain a renewal permit, the applicant will provide the Town of Franklin with (i) an affidavit that no change has taken place to the dwelling unit that would affect its eligibility to operate as a Transient Rental Unit; or (i) an amendment to the initial application that sets forth any changes to the original underlying application for a Transient Rental Permit, together with such required additional documentation as determined by the Code Enforcement Officer, along with the current application fee. The applicant will be notified within twenty (20) days of any required additional information. If the applicant has fully complied with the above, the Code Enforcement Officer shall issue a permit to operate a Transient Rental Unit. Any applicant who applies for a Transient Rental Permit, and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

Section 11. Inspections.

Each unit shall be inspected by the Code Enforcement Officer to determine fire and safety code compliance. Proof of inspection in the form of the certificate of compliance must be included with the application form.

Section 12. General Permit Regulations.

- A. Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- B. The permit to operate a short-term rental unit in any given year will expire on December 31.
- C. A permit for operation of a Transient Rental Unit may not be assigned, pledged, sold or otherwise transferred to any other persons, businesses, entities or properties with first providing the Code Enforcement Officer written notification indicating the name, address and telephone number of the new owner and Local Manager, if applicable, proof of

insurance and bed tax number, as well as certification that the balance of the information required under Section 9(6) has not changed.

- D. All Transient Rental Units shall have posted on or about the inside of its front or main door a card listing emergency contact information. Such information shall include, but not be limited to: the name, address and phone number of the building owner, if local, or a local manager, who will be available for problems or emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance. A local agent shall be able to arrive at the Transient Rental Unit in person within sixty (60) minutes of being notified an emergency.
- E. All applicants, both renewal and new, must notify, in writing, via regular first-class mail.

Section 13. Specific requirements.

- A. Records must be maintained, including dates of rental and number of guests. Such records shall be made available upon request to the Code Enforcement Officer.
- B. Short-term rentals shall not generate unreasonable noise, vibration, glare, odors, or other impacts that unreasonably interfere with any person's own enjoyment of his or her residence. Short-term rentals will comply with all other Town, State, and Federal land-use requirements.
- C. All short-term rental properties shall clearly delineate property boundaries.
- D. Within each short-term rental there shall be a conspicuously posted list with emergency information so that the transient guests can readily locate the owner's telephone number, the Local Manager's number, if applicable and other emergency contact information.
- E. Proof of appropriate insurance coverage for this use shall be required as part of the permitting process.
- F. After obtaining the permit, the owner shall send a copy of the permit to all property owners within 300 feet of the property lines, along with a copy of this article, and the owner and/or property manager's contact information, including telephone number and email address, at a minimum.
- G. Operational fire extinguishers shall be located in the kitchen of each dwelling unit.
- H. In the event of an incident/violation at the property, the property owner and/or Local Manager must respond to the Building Department or Police Department call within two hours of the initial call or inspection.
- I. All garbage must be properly disposed of and must be placed in garbage cans with lids.
- J. No special events, parties, weddings, or other gatherings shall be permitted.

- K. Use of property for these purposes will require a special use permit under review of the planning board.

Section 14. Enforcement.

Enforcement of this Town law is the duty of the Code Enforcement Officer, who shall have the right of entry to determine compliance with the terms of this article and the terms of the permit. The Code Enforcement Officer may, after a hearing before the Town Board and a recommendation therefrom, revoke the short-term rental permit, if the premises is found to be in material breach of the terms and conditions of the permit.

Failure to register will constitute an immediate inspection of the property and may constitute an issuance of an order to vacate the occupants of the dwelling. Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town of Franklin in a civil action.

In the event that the Town of Franklin is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the dwelling unit.

Section 15. Penalties for offenses.

A violation of this article is an offense punishable by a fine of not more than \$250 per day the violation exists or imprisonment for a period not to exceed 15 days, or both, for each violation. Each day that a violation is permitted shall constitute a separate offense or a continuing violation. After the first violation has been adjudicated, a second violation of this article is considered an offense punishable by a fine of not more than \$500 per day or imprisonment not to exceed 15 days, or both. In addition to the penalties above, the Town may bring action in the Supreme Court, for an injunction to restrain the continuance of such violation, against the owner or any other person who shall knowingly violate any of the applicable provisions of this local law, any other provision of this Code, the most current ICC Code or New York State Code, whichever is pertinent, and the New York State supplements and subsequent updates, the State Sanitary Code or any other lawful order.

Section 16. Remainder.

Except as hereinabove amended, the remainder of the Town Code of the Town of Franklin shall remain in full force and effect.

Section 17. Separability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the

legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 18. Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.