

SHORT-TERM RESIDENTIAL RENTAL LAW
OF THE TOWN OF FLORENCE, NEW YORK

Adopted by the Town of Florence Town Board

October 13, 2025
Local Law No 2 of 2025

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Local Law No 1 of 2026

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1. INTRODUCTION

a. Enacting Clause

Pursuant to the authority conferred by Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Florence hereby adopts and enacts the following law.

b. Title

This law shall be known and may be cited as the "Short-Term Residential Rental Law of the Town of Florence, New York."

c. Purpose

This law has been enacted for the purpose of promoting the health, safety, and general welfare of the inhabitants and visitors of the Town of Florence through the efficient regulation of short-term residential rentals and to provide minimum standards for their health and safety to the public.

d. Authority

By the authority of Article 2 and 3 of the Municipal Home Rule Law of the State of New York, the planning Board of the Town of Florence is authorized and empowered to approve site placement and regulations of use.

2. DEFINITIONS

a. General Definitions

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory. As used in this local law, unless the context or subject matter otherwise requires, the following words shall have the following respective meaning.

b. Specific Definitions

BEDROOM — A lawful room or area within a residence used for sleeping which complies with the NYS Uniform Fire Prevention and Building Code as a sleeping area.

BED AND BREAKFAST — An owner-occupied residential single-family dwelling having a valid use permit that makes available a room or rooms for overnight accommodations to transient guests and does not serve meals to the public.

CAMPGROUND - Any parcel or tract of land including buildings or other structures, under the control of any person, where five or more campsites are available for temporary or seasonal overnight occupancy.

MAXIMUM OCCUPANCY— Maximum number of persons allowed to occupy any single-family dwellings as determined by the provisions of the NYS Uniform Fire Prevention and Building Code and NYS Department of Health Appendix 75A.

RENTAL - Shall include the rental, lease, use or occupancy of any single-family dwelling by any person or persons other than the owner or owner's family and where the owner of the property receives consideration for the temporary use of the property in money; goods, services, or other form of compensation for such use, but not where the use is permitted for family, friends, or other situations not involving consideration or compensation for the use.

SHORT TERM— Shall be for a period less than twenty nine (29) days.

SINGLE FAMILY DWELLING – Shall include any individual dwelling unit providing complete cooking, bathing, sanitary, living and sleeping areas. In the case of more than one single- family dwelling being subject to this Law, each such single-family dwelling that will be used as short-term rentals shall be required to have its own permit.

3. ARTICLE 3. PURPOSE AND INTENT

Section 300. Purpose and Intent

The Town recognizes the economic benefits of short-term rentals that allow homeowners to supplement household income to help defray the costs of owning a home. Further, there are positive economic benefits of providing lodging for tourists and other visitors to the Town. Short term rentals are becoming increasingly more prevalent with the growth of internet and social media-based programs connecting property owners and persons seeking short term rentals. The Town also recognizes the impacts short terms can cause to neighbors, the neighborhood character, the environment, and the general health and safety and welfare of the Town.

These provisions governing short-term rentals uses are designed to strike a balance. Allowing this use in the Town will allow our Town and community to reap the economic benefits that this type of use can bring.

It is the intent of the Town Board, by enacting this Local Law, to ensure that properties that host short term residential rentals meet the standards as private residential homes as to the life, safety, and health as codified in the NYS Uniform Fire Prevention and Building Code, protection of the environment and public sanitation through NYS Department of Health Appendix 75A, protection of the general public health, safety, and welfare through the Property Maintenance Code and all other applicable laws, rules and regulations. The Local Law aims to provide a mechanism to ensure that such standards are met and, in any case, where they are not, provide a way to notify the owner of the deficiency and bring the

properties into compliance for the safety and well-being of the community. *The Town Board does not intend to re-regulate currently regulated entities such as cottage colonies, bed and breakfast establishments and the like.*

The purpose of this Chapter is to protect the health, safety, and welfare of the Town by:

- A) Preserving and protecting existing established residential neighborhoods from the potential impacts of short-term rentals of residential dwellings that may unintentionally convert residential use zones to commercial uses.
- B) Ensuring that short-term rental properties are safe for occupants by confirming minimum standards for life and fire safety as otherwise required by applicable codes.
- C) Ensuring on-site wastewater treatment systems meet minimum standards currently required by NYS Department of Health Appendix 75A thus protecting drinking water wells.
- D) Ensuring the number of occupants does not exceed the standard of the NYS Property Maintenance Codes and NYS Uniform Fire and Building Codes.
- E) Minimizing risks to public safety and adverse impacts such as improperly disposed trash, parking problems and crowded, unsafe living arrangements.
- F) Ensuring that the number of short-term rental habitable units does not exceed more than four (4) units. Any property containing more than four (4) units would be classified as a New York State permitted campground, campgrounds are not permitted within the Hamlet under the Town of Florence Zoning Law.
- G) Ensuring that, where permitted, any rental use is consistent with the town of Florence Comprehensive Plan.

ARTICLE 4. PERMITS

Section 400. Applications

The form and content of a short-term rental permit application shall be an annual Special Use Permit and shall contain such information as the Code Enforcement Officer and/or Town Board deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:

- a) The property address and tax map parcel number
- b) The total number of dwelling units located on the property.
- c) The size and number of bedrooms inside each building proposed to be rented.
- d) A plan showing the location of designated emergency egress and rescue windows to the extent such features are required under current law, code, or regulation.
- e) A plot plan showing the property from the road with all buildings identified, including owner-occupied dwelling, roadway to sites (if applicable), all septic systems, and all water supply facilities.
- f) A signed certification by the property owner(s) attesting to the fact that:
 - a. To the best of their knowledge is fit for human habitation and safe.
 - b. The owner will comply with all the conditions and restrictions of the rental permit.

- c. No portion of the cellar or attic within the rental area shall be used for habitable space of any kind, unless approved by the Code Enforcement Officer under the same conditions that would allow such use pursuant to the NYS Uniform Fire Prevention and Building Code and NYS Department of Health Appendix 75A.
- d. To the best of their knowledge the property follows all the provisions of this Local Law, the applicable provisions of the Town Code and the NYS Uniform Fire Prevention and Building Code.
- g) The owner shall designate a property representative who shall be immediately available for the purpose of:
 - a. Responding within a reasonable time under the circumstances, but in no case later than twenty-four (24) hours after notification to complaint regarding the use or conduct of occupants of the rental property and taking remedial action to resolve any such complaints in a reasonable length of time
 - h) The name, address, and telephone number of the owner and the property representative shall always be kept on file with the Code Enforcement Officer.
 - i) Such other information as the Town may require satisfying the intent of this Local Law.
 - j) Copies of the licensed 3rd party electrical inspections for each building on the property that is part of the short term rental. (ie – dwelling units, bath houses, common buildings, etc)
 - k) Disclosure of what short term rental property offers: recreational vehicle/snowmobile use, hunting, fishing, biking, etc.
 - l) A copy of the application, and plot plan will be provided to the Fire Department for emergency services needs.

Section 405. Inspection Required

Prior to issuance of any permit or renewal thereof issued under this Chapter, the Code Enforcement Officer shall inspect each rental unit to verify compliance with all local laws, the NYS Uniform Fire Prevention and Building Code, proper sanitary disposal, the availability of sufficient lawful parking areas and compliance with the terms and conditions of any current permit. A failure of any of the above requirements shall stop issuance of a permit until compliance is demonstrated to the Code Enforcement Officer.

Section 410. Annual Permit Fee

Upon application for an initial permit as of the date of enactment hereof, the permit fee shall be \$100 per year per unit for any rental unit. The Town Board is authorized to adjust the permit fee from time to time as it deems necessary by passage of a resolution.

Section 450. Posting Required

A copy of the valid permit, a copy of the inspection report and the maximum number of occupants allowed in the residence shall be conspicuously posted in the dwelling. The names and phone numbers of the responsible property representative or manager of the property shall be posted in a conspicuous location in the building.

ARTICLE 5. MISCELLANEOUS PROVISIONS

Section 500. General Requirements

- a) Compliance with the Town of Florence, the New York State Uniform Fire Prevention and Building Code and the New York State standards for on-site wastewater treatment for residential properties is a requirement. These requirements comprise the same standards to obtain a certificate of occupancy for a residential property in the Town of Florence.
 - a) All electrical work shall be inspected by a New York State licensed 3rd party electrical inspector. A copy of the certificate of inspection shall be provided to the Town of Florence Code Enforcement Officer to retain with the application on file.
- b) In providing the list of recreational activities that may be coincide with the short term rental, the owner(s) of the units must abide by the Laws of the Town of Florence, Oneida County and New York State. (Ie – snowmobiling is allowed as long as you are on designated trails, ATV's are not permitted due to registering/insuring are not allowed under NYS Law.
- c) An owner of a property shall demonstrate at sufficient lawful parking is available for the number of occupants proposed to be allowed to occupy the premises for each permit issued according to any rules established by the owner regarding maximum numbers of vehicles.
- d) The size and capacity of the septic tank and absorption area shall also determine the total number of occupants allowed in the residence or on the property, day or night based on New York State Department of Health Appendix 75-A, standards for on-site wastewater treatment for residential properties and the Town of Florence laws, codes, rules and regulations.
- e) Campfire pits shall comply with the New York State Uniform Fire Prevention and Building Code.
- f) The occupation of a rental not having a valid permit shall be deemed a violation of this Local Law.

Section 505. Enforcement

- a) Any violation of any provision of this chapter shall be deemed a violation and may be punishable by a fine of not more than \$150. Any second violation of any provision of this chapter within a period of twelve (12) months immediately succeeding a prior violation shall be deemed a violation and shall be punishable by a fine not less than \$150 and not more than \$300. Any third or subsequent violation of any provision of this chapter shall be deemed a violation and shall be punishable by a fine not less than \$300 and not more than \$500. In the case of such violations the Code Enforcement Officer is authorized to issue an appearance ticket and to file an accusatory instrument in Florence Town Court. Each period of one week (seven consecutive calendar days) of continued violation shall constitute a separate additional violation.
- b) Upon a third or subsequent violation of any provision of this chapter, the Code Enforcement Officer may administratively suspend any current short term rental permit until full compliance is demonstrated and after passage of 30 days from the date of such violation.
- c) Any violation of any provision of this chapter shall subject the owner or operator of the premises to a civil penalty of not more than \$50 per day of violation.
- d) The Town Board may by resolution authorize an action in the name of the Town of Florence in a court of proper jurisdiction to enforce violations of this chapter and to collect civil penalties

as set forth above for violations and all expenses of enforcing compliance with this chapter, including actual attorney fees and costs of disbursements.

- e) The Town Board may authorize and collect criminal penalties, in Florence Town Court or an action to further violations and collect civil penalties, or both such enforcement mechanisms concurrently or sequentially and the option to pursue one or the other or both methods of enforcement shall not affect the authority or validity of either such prosecution.

Section 510. Insurance

All owners of Short Term Rental facilities shall provide to the Town of Florence proof of general liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the subject premise in an amount not less than \$1,000,000 in respect of personal injury or death, and in amount of not less than \$1,000,000 in respect of property damage. Any change in insurance status must be reported to the Codes Enforcement Officer.

Section 515. Unreasonable Noise

Any excessive, unnecessary or unusual loud sound or any sound or noise that either disrupts, injures or endangers the comfort, repose, health, or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to a property or business is prohibited. Any and all unreasonable noise is unlawful between the hours of 10:00pm and 7:00am.

Section 520. Premises identification

It is the responsibility of the owner to affix the assigned 911 address number in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background, shall be Arabic numerals or alphabet letters and, not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). If the building is more than 50 feet from the road, or not visible from the road, the number shall be affixed to a post or a mailbox.

- 1.) Address identification (ie – Unit #1, #2, etc) shall also be provided on each dwelling unit to facilitate emergency response. Where access is by means of private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 525. Effective Date

This local law shall be effective upon filing in the office of the Secretary of State.