

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~~ of Hamilton
~~Town~~
~~Village~~

Local Law No. _____ of the year 2023.

A local law to amend Chapter 180 of the Code of the Village of Hamilton
(Insert Title)

Be it enacted by the Board of Trustees of the

~~County~~
~~City~~ of Hamilton as follows:
~~Town~~
~~Village~~

I. Intent and Legislative Findings. Changes in technology give rise to new issues in land use planning and regulation. While it has been, and remains the position of the Village of Hamilton that short term, so called “vacation rentals”, are subject to the current provisions of the Village Code that pertain to transient occupancies, the Board of Trustees hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity. The Board of Trustees finds that short term vacation rentals can and do create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing noise, parking and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner occupied properties. In addition, the proliferation of properties devoted to solely to transient occupancy is limiting the housing stock that is available to residents and families that sustain the Hamilton community. As such, the Board of Trustees finds that unregulated short term vacation rentals, or transient occupancies as currently defined in the Village Code have the inherent potential to be incompatible with residential neighborhoods and residential zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. The Board of Trustees finds that the potential for such conflicts is less in nonresidential districts, and therefore such uses may be allowed in such other districts subject to reasonable, but less restrictive regulations.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

II. Section 174-7 of the Code of the Village of Hamilton is hereby amended to add and / or amend, as applicable, the following definitions to read as follows:

COMMERCIAL SHORT TERM TRANSIENT RENTAL USE — A commercial use whereby a dwelling or dwelling unit, which may or may not include associated exterior spaces upon the same premises, is/are offered, rented and/or otherwise provided for consideration to one or more persons for transient use and occupancy as living quarters, but specifically excluding all uses that are specifically permitted as Bed-and-Breakfasts, Hotels / Inns, and/or Rooming House, Motels or Boardinghouse.

HOTEL or INN -- A commercial conducted within a building or group of buildings containing multiple rooms and/or suites which are offered for consideration primarily to members of the public for transient overnight sleeping accommodations. A hotel or inn also provides on-site dining, beverage service, and group meeting facilities that are open to both guests and the public.

MOTEL --- A commercial use conducted within a building or group of buildings containing multiple rooms and/or suites which are provided for consideration to members of the public primarily for transient overnight sleeping accommodations. A motel generally provides direct access from the rooms and suites to on-site parking areas and may also contain common lobby or assembly areas.

BED-AND-BREAKFAST -- A commercial use in which overnight accommodations, primarily for transient, and potentially for temporary, guests who typically pay by the night for such accommodations, are provided by a resident operator. Such use includes the serving of breakfast, and possibly other meals, to such guests but not to the public, and may also include non-exclusive access to and/or use of certain common areas and/or exterior portions of the premises.

BED-AND-BREAKFAST – HOME OCCUPATION -- A home occupation use in which overnight accommodations are provided by a resident operator for transient guests who typically pay by the night for such accommodations. Such use includes the serving of breakfast, and possibly other meals, to such guests but not to the public, and may also include non-exclusive access to and/or use of certain common areas and/or exterior portions of the premises.

HOME OCCUPATION -- A profession, vocation or business activity, full-time or part-time, conducted within a property by the inhabitants of the property. Home occupation use is secondary to the residential use of the property and should not change the character thereof substantially.

ROOMING HOUSE -- A home occupation use conducted by a resident operator in which one or more persons (roomer or roomers) shares occupancy of the dwelling or dwelling unit with the resident operator and pays by the room or the space for transient or temporary occupancy of the defined space and facilities within the dwelling and/or upon the premises. The term does not include a motel, hotel, bed-and-breakfast, short term transient rental use, boardinghouse or group residence.

LODGER -- A person occupying a room, suite, dwelling unit or other habitable space on a transient basis.

ROOMER -- A person, other than a member of the family or functional family unit occupying a dwelling or dwelling unit as their primary residence, who resides in the dwelling or dwelling unit on a transient or temporary basis.

RESIDENCE, PRINCIPAL or PRIMARY – As defined and/or generally determined by the United States Internal Revenue Service. Unless otherwise specifically qualified, use of the term “residence” in this Chapter shall be deemed to be a reference to a principal or primary residence.

OCCUPANCY, TEMPORARY – Occupancy, or the legal right to occupancy, of a dwelling, dwelling unit, room, suite or other living space for a period of more than 30 consecutive days, but not for purposes of ongoing, year-round, permanent residence).

OCCUPANCY, TRANSIENT – Occupancy, or the legal right to occupancy, of a dwelling, dwelling unit, room, suite or other living space for a period of 30 or fewer consecutive days, counting any portion of a particular day as a full calendar day.

TOURIST HOME -- A home occupation use conducted by a resident operator in which transient guest are provided overnight accommodations within the entire residence of the resident operator or in an accessory building for transient guests who typically pay by the night for such accommodations. Such use may include access to and/or use of exterior portions of the premises.

III. Section 174-7 of the Code of the Village of Hamilton is hereby amended to delete the following definition:

LODGING -- A room, dwelling unit, building or group of buildings, whether detached or in connected units, containing individual sleeping units utilized primarily for transient occupancy. A lodging use is commercial in nature.

IV. Subsection B of section 174-4 of the Code of the Village of Hamilton is hereby amended to read as follows:

B. Except as otherwise specifically provided in this chapter, nothing herein shall be deemed to change the status of nonconforming uses heretofore created by virtue of the provisions of any prior law regulating land use, if such uses remain nonconforming under the provisions of this chapter. The terms of this chapter shall apply to any subsequent change in use, and to alterations, extension, or movement of a building or structure, and to any change in use of land.

V. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to delete the entirety of the use classes and language in lines 5, 13, 14, 15, 16, and 19. Said lines shall hereafter contain the word “Reserved” in the first column and all columns to the right shall be blank.

VI. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to change the designation in line 26, “Rental of residential unit for transient occupancy of up to 30 days” to “Home Occupation

Use as a Tourist Home” and in all columns currently designated “SC”, change “SC” to “SP”.

- VII. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to change the designation in line 9, “Home occupation, primary structure” to “Home occupation, primary structure - other”.
- VIII. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to change the designation in line 10, “Home occupation, accessory structure” to “Home occupation, accessory structure - other”.
- IX. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to change the designation in line 41, “Bed-and-breakfast, operator-occupied, existing” to “Commercial Short Term Transient Rental Use” and in the column for R District, change “SP” to “N” and in the columns for MC, ME and MP, change “N” to “SP”.
- X. The Land Use Activities Table included in Chapter 174 of the Code as “Appendix A – Schedule I”, is hereby amended to change the designation in line 42, “Bed-and-breakfast, operator-occupied, new” to “Bed-and-breakfast”.
- XI. Subsections D and E of section 174-18 of the Code of the Village of Hamilton are hereby repealed and deleted.
- XII. Paragraphs (2) and (3) Subsection A of section 174-19 of the Code of the Village of Hamilton are hereby repealed and deleted. Existing paragraphs (4), (5) and (6) are re-numbered as paragraphs (2), (3) and (4) respectively.
- XIII. Subsection E of section 174-55 of the Code of the Village of Hamilton is hereby repealed and deleted.
- XIV. Section 174-68 of the Code of the Village of Hamilton is hereby amended to read as follows:
 - 174-68. Change of Use; Change of Ownership
 - A. A nonconforming use of a building or land may not be changed except to a conforming use; when so changed, the nonconforming use may not be resumed.
 - B. Except as otherwise provided in this Chapter, a nonconforming use of a building or land may continue with change of ownership.
- XV. Section 174-70 of the Code of the Village of Hamilton is hereby amended to read as follows:

174-70. Nonconforming Commercial Short Term Rental Uses

The status of any Commercial Short Term Rental Use as a legal nonconforming use in the R District shall terminate upon the sale or transfer of title to the premises, and

thereafter the use of said premises shall be in accordance with the regulations set forth in this chapter.

XVI. Subsection “P” of Section 174-83 of the Code of the Village of Hamilton is hereby amended to read as follows:

The rental of a residence or parts of a residence for a home occupation tourist home or a home occupation bed-and-breakfast is limited to a total of 30 days per year, subject to applicable conditions and licensing requirements.

XVII. Subsection “F” of Section 174-82 of the Code of the Village of Hamilton is hereby amended to read as follows:

F. Home occupational use of the primary / principal structure in the R, MC, ME, MB, MG, MP and U2 Districts.

(1) In addition to other home occupation uses specifically permitted under the provisions of this chapter, the following home occupations are permitted in the principal building where not more than two nonresidents are at work on site at any one time:

- a. Personal services conducted by resident occupants in which the sale of stock-in-trade is a minor element of the personal service.
- b. Administrative office conducted by resident occupants.
- c. Professional office where such office is part of the residence of the professional.

(2) In the R, MG and U2 Districts, deliveries supporting a home occupation should be from the street.

(3) In the R, MG, MB, MP, and U2 Districts, trash pickup should be by the standard manner of other residents and properties in the District.

XVIII. The chart contained in Section 174-62 of the Code of the Village of Hamilton (Minimum Required Off-Street parking) is hereby amended to add a new row in the “Commercial or Institutional Use” section as follows:

“Commercial short term transient rental / 1 per maximum number of permitted bedrooms”

Paragraph (6) of Subsection E of Section 174-82 of the Code of the Village of Hamilton is hereby repealed and shall hereafter be labeled as “Reserved”.

XIX. Paragraph (17) of Subsection E of Section 174-82 of the Code of the Village of Hamilton is hereby amended to read as follows:

(17) Home occupational operation of rooming house.

(a) No more than two persons may be permitted to occupy a dwelling unit as roomers.

[1] Such use shall be considered a home occupation and shall be subject to the provisions of § 174-83F, as applicable.

[2] If a supplemental apartment is operated in the principal or accessory building, only a single room/suite may be rented to a roomer.

[3] Temporary and/or transient occupants of a dwelling may not let or sublet spaces to roomers as a home occupation or otherwise.

[4] The operator of the rooming house shall procure and maintain in effect a license to operate in accordance with the provisions of subparagraph (m) of paragraph (19) below provided for short term transient rental uses.

(b) In two-unit or multiunit structures, only a single room or suite in each residential unit may be rented to a roomer. Such use shall be considered a home occupation and shall be subject to the provisions of § 174-83F, as applicable.

XX. Paragraph (18) of Subsection E of Section 174-82 of the Code of the Village of Hamilton is hereby amended to read as follows:

(18) Tourist Home and Bed-and-breakfast uses – commercial and home occupation.

(a) One on-site parking spaces per guest room/suite plus one for each resident operator of the tourist home or bed-and-breakfast. All parking spaces must be screened from neighboring residential properties.

(b) Trash containers must be screened from view from neighboring residential properties and trash must be picked up in a manner characteristic of the district.

(c) Accessory structures may be used for a single guest suite with no more than one bedroom.

(d) The maximum number of guest rooms/suites shall be five.

(d) The operator of the tourist home or bed-and-breakfast shall procure and maintain in effect a license to operate in accordance with the provisions of subparagraph (m) of paragraph (19) below provided for commercial short term transient rental uses.

XXI. A new paragraph (19) of Subsection E of Section 174-82 of the Code of the Village of Hamilton is hereby enacted to read as follows:

(19) Commercial Short Term Transient Rental Uses – Special Conditions and License Requirements.

(a) Commercial short term transient rental use is classified as a special use because of the potentially unpredictable intensity of use and resulting conflicts with other adjoining and nearby uses. The Planning Board shall review such uses under the applicable criteria set forth in section 174-82 and 174-83, and shall particularly address each application in terms of site plan features such as proximity to other uses and the nature of nearby uses, as well as available parking, lighting and other site features in order to minimize land use conflicts and associated adverse impacts to other residential uses. All special permits for Short Term Transient Rentals shall terminate and expire upon the transfer of title (ownership) of the subject premises by said owner.

(b) The maximum number of persons permitted to occupy any Commercial short Term Transient Rental Use shall be two (2) persons per sleeping room, with an overall maximum of ten (10) persons, subject to available parking for the use. The

Planning Board may establish a lower maximum occupancy limit under its special permit review authority if it determines that the number of parking spaces appropriately devoted to the use is insufficient to support the number of intended occupants without adversely affecting adjoining property owners and/or the surrounding neighborhood.

(c) No recreational vehicles, campers, trailers, or motor vehicles larger than a one-ton pickup truck may be parked upon the premises during any transient occupancy. The number of automobiles and/or light duty (pickup) trucks that may be parked on site in association with any Commercial short Term Transient Rental shall be limited to the number of off-street parking spaces designated on the site plan approved by the Planning Board. No vehicles may be parked on lawns or in other areas not specifically approved as parking spaces under the provisions of this Chapter. The Planning Board shall review all applications in relation to the physical limitations of the subject premises as well as the proximity to adjoining uses and surrounding neighborhoods in order to determine the appropriate parking requirements and occupancy limits.

(d) No Commercial short Term Transient Rental Use shall be located above the second floor of any building unless such floor has a fire sprinkler system or has been otherwise constructed in accordance with requirements of applicable New York State code requirements for residential occupancy of such floors.

(e) Each sleeping room within a principal or accessory structure containing a Commercial short Term Transient Rental Use shall have affixed to the occupied side of the entrance door to the sleeping room a written notice stating the means of egress from the room in case of fire or other emergency, the location of means for transmitting fire alarms, if any, and the evacuation procedures to be followed in the event of a fire or smoke condition, or upon activation of a fire or smoke-detecting or other alarm device.

(f) Dwellings and/or dwelling units used for Commercial short Term Transient Rental Use shall have no exterior signs or other exterior indications of the transient occupancy use, which shall from all exterior indications be indistinguishable from an otherwise permitted conventional residential use.

(g) All Commercial short Term Transient Rentals shall be limited to the temporary lodging of registered guests, and no commercial activities and no public or private parties, receptions, meetings or similar social gatherings or events shall be permitted. Occupancy shall be limited to the number of persons permitted under the special use permit issued by the Planning Board, and the operator of the facility shall maintain an accurate and current register of all lodgers staying at the facility, their permanent addresses, and the dates of their stay. This register shall be immediately made available to the Village Code Enforcement Officer and / or Police Department as part of any Village investigation of any complaints regarding guest behavior or alleged unlawful activity and/or to determine compliance with requirements of any special permit issued for the premises. This register shall also be made available to Village code enforcement personnel at the time of any application for renewal of a license to operate the facility.

(h) Owners of permitted Commercial short Term Transient Rentals, shall be

required to either be, or have a designated property manager who resides in such proximity to the subject premise so as to permit him or her at all days and times to physically be at the subject premise within fifteen (15) minutes of receiving notification of a complaint relating to the premises. Current contact information for this person or persons shall be kept on file with the Village Code Enforcement Officer and Village Clerk at all times.

(i) Owners of Commercial short Term Transient Rentals must at all times be current in the payment of all real property taxes and special assessments and shall be responsible for complying with other applicable legal and regulatory requirements, including, but not necessarily limited to compliance with New York State building, property maintenance and safety codes and registration and collection of state and local sales taxes and County occupancy taxes. When available, applicants shall register to have applicable taxes and fees collected and remitted by the internet host platform.

(j) All owners of Commercial short Term Transient Rentals shall provide to the Village proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than One Million Dollars (\$1,000,000.00) in respect of personal injury or death, and in an amount of not less than One Hundred Thousand Dollars (\$100,000) in respect of property damage.

(k) All applications for approval of Commercial short Term Transient Rentals shall be accompanied by documentary proof of compliance with Madison County's bed tax local law, which shall include a copy of the Madison County Occupancy Tax Certificate for the premises.

(l) License Required. No person, firm or entity shall own, operate or manage a Commercial short Term Transient Rental facility in the Village of Hamilton, nor shall any owner permit the operation of a Commercial short Term Transient Rental Facility on premises owned by him, her or it, without a duly issued license from the Village of Hamilton to operate a Commercial short Term Transient Rental facility. All new and existing Commercial short Term Transient Rental facilities shall be required to obtain a license annually from the Village Code Enforcement Officer, the original or copy of which shall be prominently displayed in a front window of the subject residence in such manner so that it is clearly visible from the public sidewalk, or from the street if there is no sidewalk. Any initial application for a license to operate a transient occupancy use asserted and demonstrated to be a pre-existing nonconforming use lawfully in existence prior to the effective date of these regulations must be received by the Village Clerk no later than June 1, 2023.

(m) Licenses issued for Commercial short Term Transient Rental facilities shall be valid for one year, from May 1st to April 30th. A complete application for a license or license renewal shall be submitted to the Code Enforcement Officer not less than two (2) months prior to the date the license, or renewal license, as applicable, is to be effective. Applications not submitted in time to be effective as of the 1st day of May shall be effective as of the date of issuance and shall expire on the next succeeding 30th day of April. The applicant shall schedule with the Enforcement Officer the necessary inspection of the dwelling or dwelling unit not less than thirty

(30) days prior to the desired license effective date. All applications for a special permit and license shall include the following information:

- i. Current and accurate site plan of the premises (as approved by the Planning Board for the special permit application), showing all property lines, building lines, driveways, sidewalks, parking spaces, garbage and recycling storage areas, and any outbuildings and outdoor gathering areas such as patios and decks;
- ii. Floor plans, as determined adequate by the Planning Board and which need not be prepared by a licensed design professional, for each building floor level containing rentable space, which specifically depict all room sizes and locations, common areas, exits and other facilities;
- iii. A copy of the recorded deed showing all current owners of the premises, and a list of the names, home and business addresses, all phone numbers (including home, business and cell) and email addresses of all property owners and all property managers if applicable;
- iv. The number of permanent residents and the number of transient residents proposed to reside on the premises (as authorized per the conditions of the special use permit granted by the Planning Board in the case of license applications), including the number assigned to each bedroom shown on the building floor plans;
- v. The number of all automobiles, trucks and other vehicles belonging to the owners / permanent residents that will be parked on the premises during periods of transient rentals, including for each such vehicle, the make, model and year of the vehicle, license plate number; the name and permanent address of each vehicle's local operator and its titled owner;
- vi. Such other information as the Code Enforcement Officer may reasonably require for the premises in question in order to determine compliance with all applicable code provisions.

(n) All applications for a special permit and/or license to operate a Commercial Short Term Transient Rental Facility shall be signed by all owners of the premises. All applications shall include an accurate list of all property owners within 150 feet of the subject premises, as indicated on the most recent real property tax assessment roll, accompanied by a statement that all such owners have been provided a copy of the application. Each signator to the application shall swear or affirm to the truth and accuracy of the information contained in the application. Upon each license application and renewal application, the applicant shall be required to pay a license administration fee to the Village of Hamilton, which, except as may be otherwise determined by resolution of the Board of Trustees, shall be in the amount of \$200.00.

(o) All proposed Commercial short Term Transient Rental facilities shall be physically inspected for proper maintenance of the premises in accordance with paragraph (1) of subsection S below, and for general code compliance prior to issuance of a license to operate the facility, and also on an annual basis thereafter prior to the issuance of any renewal license.

(p) Upon such timely application and inspection, the Enforcement Officer will issue or renew, as applicable, the license upon a finding of full and proper compliance with all provisions of this chapter and all other applicable laws and standards. Upon determining that sufficient grounds exist under the provisions of Subsection S below, the Planning Board shall have the authority to revoke any such license upon application of the Code Enforcement Officer and after holding a public hearing upon any such application to revoke a license.

(q) The total number of nights of transient occupancy of any Commercial short Term Transient Rental facilities located on premises that share a common side yard boundary with any property located within the R-Residential zoning district may not exceed a total of 30 nights within any given license year.

(r). **Grounds for denial or revocation of license.** Any proposed or existing Commercial short Term Transient Rental Facility that is not in compliance with the requirements of this chapter, or any other applicable laws or standards, shall not be granted a license to operate, and, in the event a license has been issued, such license shall be subject to revocation, as herein provided, and the owner(s) and operator(s) of the Commercial short Term Transient Rental Facility shall be subject to such other penalties and/or remedies as may be applicable. The existence of any of the following conditions and circumstances shall be deemed violations that constitute grounds for denial or revocation of a Commercial short Term Transient Rental Facility license:

- 1) Indications of improper maintenance or operation of the property in keeping with the character of the neighborhood, and/or failure to maintain and keep the premises in a healthy, safe and sanitary condition, which shall include, but is not necessarily limited to:
 - (a) exposed garbage or litter on the premises;
 - (b) failure to maintain the buildings and grounds in a neat and orderly fashion, including painting and maintenance of exterior surfaces and windows and maintaining and trimming of grass and other vegetation;
 - (c) parking of vehicles on or about the premises in undesignated and/or unapproved parking areas;
 - (d) the occurrence of parties or other gatherings of individuals upon the premises wherein the number of persons gathered upon the premises exceeds the number of persons authorized upon the premises under the terms of the special permit and license.
- 2) Two or more instances within any twelve month period where a police officer or agency, or the Village Code Enforcement Officer, issued one or more appearance tickets or arrest warrants with respect to acts or omissions related to the transient occupancy of the premises. Such conduct shall include, but is not necessarily limited to, the occurrence of any acts, incidents or events upon the premises that constitute violations of any provision of this chapter, or any other provision of the Village Code, and/or the New York State Penal Law.
- 3) The conviction upon any formal charges as described in the immediately

preceding paragraph (2) shall be prima facie evidence of improper operation of a Short Term Transient Rental facility, and shall constitute grounds for immediate revocation of a license, as well as for automatic denial of a license renewal application for a period of one year following the date of license revocation or expiration, as applicable.

(s) Upon determining the existence of one or more offending conditions relative to the premises, the Code Enforcement Officer shall deny the application for a Commercial short Term Transient Rental Facility license and, with respect to previously licensed Commercial short Term Transient Rental premises, at that time may take any action authorized by law, including, but not necessarily limited to the following:

- (1) impose additional conditions upon the license;
- (2) refer the matter to the Planning Board to schedule a public hearing to consider revocation of the license;
- (3) issue one or more appearance ticket or tickets for any violation(s) of the Village Code. The Code Enforcement Officer shall be authorized to issue an appearance ticket to any owner or operator of a Commercial short Term Transient Rental Facility operating without a valid license.

XXII. A new section 174-97 is hereby added to the Code of the Village of Hamilton to read as follows:

174-97. Penalties for Violations.

A. Any owner, lessee, contractor, agent or other person who uses or maintains or causes to be used or maintained, or actively participates in any use of any building or premises or any part thereof in the Village of Hamilton for any purpose other than the uses permitted therefor in this chapter or who erects, enlarges, alters or maintains or causes to be erected, enlarged, altered or maintained any building or any part thereof in the Village of Hamilton except in conformity with the provisions of this chapter or who otherwise violates or causes to be violated any provision of this chapter shall, upon conviction, be guilty of a misdemeanor subject to a fine of not exceeding \$1,000 for each such violation. Each day that such violation continues shall constitute a separate and additional offense punishable by a separate fine. If more than one provision of this chapter is violated, each provision violated shall be considered a separate misdemeanor, each liable to maximum penalties as herein specified.

B. If any said person fails to abate any said violation of this chapter within five calendar days after written notice has been personally served upon said person or within 10 days after written notice has been sent to said person by registered mail at the person's home or business address, said person shall be subject to a civil penalty of \$1,500 for each and every day that said violation continues, recoverable by suit brought by the Village and to be retained by it. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

C. Any violation of this chapter may also be enjoined pursuant to law.

D. The remedies provided for herein shall be cumulative and shall be in addition to any other remedies provided by law.

XXIII. Notwithstanding the provisions of this local law, including the legislative findings stated herein, any reservations made prior to the effective date of this local law for transient occupancies to occur not more four (4) months after the effective date of this local law which would otherwise be unlawful under the terms of this local law, may nonetheless be honored by the operator of the premises, and such transient occupancies shall not be subject to citation or prosecution for any such violation provided that the owner/operator of the premises provides appropriate documentation of all such reservations to the Village Clerk within fourteen (14) days of the effective date of this local law.

XXIV. If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

XXV. This local law shall take effect immediately upon its filing with the Secretary of State.

DRAFT

(Complete the certification in the paragraph that applies to the filing of this local law and Strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2023 of the ~~(County)(City)(Town)~~(Village) of Hamilton was duly passed by the Board of Trustees on _____, 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20____, and was (Name of Legislative Body) (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*) Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified elector voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*) Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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 electors of 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 such 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 _____ 1_____, above.

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

(Seal)

Date: _____

(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 MADISON

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

Attorney for the Village
Title

County
City of _____ Hamilton
Town
Village

Date: _____