

**PART II – GENERAL LEGISLATION**

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**Chapter 188 – Rental Dwellings** – Adopted, December 27, 2012, as Chapter 188 of the Code; Amended by Local Law 3 of 2024

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<b>Article I</b>	<b>Rental Dwelling Registration and Inspection</b>	<b>Sections 188-1 – 188-8</b>
<b>Article II</b>	<b>Short-Term Rentals</b>	<b>Sections 188-9 – 188-10</b>

[Adopted as Local Law 3 of 2024]

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**Article I Rental Dwelling Registration and Inspection**

**Section 188-1 – Purpose** – This Chapter provides for regulating, controlling and inspecting the use and development of residential rental housing units within the Village of Marcellus in order to promote and protect, to the fullest extent permissible, the environment of the Village and its public health, safety and general welfare in accordance with purposes outlined in Article 7 of the New York State Village Law, the Village of Marcellus Code, and the New York State Uniform Fire Prevention and Building Code.

**Section 188-2 – Properties Affected** – Properties affected shall include all residential rental units within the Village of Marcellus including rental single family residences; two family rental residences, except any unit therein owner occupied; and, any multiple family residences (as defined in the New York Multiple Residency Law and the Uniform Code.) hereinafter "Affected Premises".

**Section 188-3 - Registration of Rental Dwelling Units** – Owners and lessors of rental dwelling units or their respective agents shall, within one year after the effective date of this law or 21 days from the date of mailing of registration forms by the Code Enforcement Officer, whichever occurs first, file with the Code Enforcement Officer, on a registration form supplied by the CEO, the following information:

- (a) The names and addresses of the owner and lessor, and of their respective agents, upon whom violation orders may be served;
- (b) A description of the property, by street and number or otherwise, as will enable the Code Enforcement Officer to locate the same; and
- (c) Such other appropriate information as may be requested, including, but not limited to the use of the premises, available facilities, the number of dwelling units and the size of rooms, together with a schematic drawing showing the typical floor layout of the units and rooms with appropriate designations and identifications.

**Section 188-4 – Inspection of Rental Dwelling Units**

(a) The Code Enforcement Officer is authorized to conduct, once every 36 months, inspection of Affected Premises or parts of said premises at such times and in such manner as the Code Enforcement Officer may find convenient or necessary, with the consent of the person in possession or occupancy, to ensure compliance with the applicable laws, ordinances or regulations upon written notice to the occupant and owner of the Affected Premises as hereinafter described.

(b) The Code Enforcement Officer or Village Clerk shall mail notice by regular mail at least ten (10) days in advance to both the occupant and owner of the Affected Premises that the said premises will be inspected, giving the date and appropriate time of the inspection. It shall be the responsibility of the owner to assure that the occupant or tenant of said premises has received a copy of this notice.

(c) If admission is refused or cannot be obtained from the person in possession or occupancy, the Code Enforcement Officer is authorized to obtain a warrant from a court of jurisdiction to make an inspection, provided that reasonable or probable cause is shown.

(d) An owner, lessor or their respective agent who refused to grant access to an apartment to the Code Enforcement Officer shall be liable for all costs incurred by the Village of Marcellus to obtain an administrative warrant for the purpose of making said inspection.

#### **Section 188-5 - Certificate of Compliance**

(a) No rental dwelling unit shall be occupied until and unless a certificate of compliance has been issued by the Code Enforcement Officer certifying that such rental dwelling unit conforms to the housing maintenance provisions of the New York State Uniform Fire Prevention and Building Code, this chapter and other applicable local laws and regulations, except that a temporary certificate may be issued upon showing, to the satisfaction of the Code Enforcement Officer, that remedial action is being taken to correct violations.

(b) A certificate of compliance shall be valid for three years from the date of issuance.

(c) A certificate may be revoked, by written notice thereof, if, upon an inspection, the rental dwelling unit is found to be in violation of the housing maintenance provisions of the New York State Uniform Fire Prevention and Building Code or this chapter.

**Section 188-6 – Fees** – the cost of an inspection and a certificate of compliance, which will be subject to change by Board of Trustees Resolution, will be valid for three years, per rental dwelling unit.

#### **Section 188-7 - Violation and Remedies**

(a) In the event that a violation of the Uniform Code or any other applicable law, ordinance or regulation is found in an existing building structure, the Code Enforcement Officer shall prepare and mail by certified mail a Compliance Order as defined in the Village of Marcellus Code Section 44-15 and the Uniform Code directing correction of any violations within thirty (30) days of said Compliance Order.

(b) After expiration of time as set forth in the preceding paragraph, if the violations have not been corrected, then an appearance ticket will be issued by the Code Enforcement

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Officer and/or Village Police alleging the code and section allegedly violated and if the need arises, a civil or criminal court action may be commenced.

(c) It shall be unlawful for any persons, partnerships, corporation, or entity to use a dwelling or structure as a rental property after an inspection as contemplated herein has been completed and the violations have not been corrected.

**Section 188-8 – Penalty**

Violation of this Chapter shall be punishable by a fine not to exceed \$250.00 (Two Hundred Fifty Dollars) for each violation, with each day representing a separate and distinct violation.

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**Article II      Short-term Rentals**

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**Section 188-9 – Short-term rental defined** (Adopted December 23, 2024, Local Law 3 of 2024)

Short-term rentals are a dwelling unit or rooming unit and/or any accessory structures that are rented, in whole or in part, to any person or entity for a period of 29 consecutive nights or less. "Short-term rental" includes an agreement, written or oral, granting such use or possession of a residence, in whole or in part, to a person in exchange for monetary compensation or other valuable consideration. "Short-term rental" shall also include any offer to rent, personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through other electronic means or otherwise, the availability for such rental or similar use of any dwelling unit or rooming unit and/or any accessory structures, in whole or in part, or to knowingly allow, commission, authorize, or permit such communication or advertisement. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a dwelling unit or rooming unit and/or accessory structures for 29 consecutive nights or less. The term "short-term rental" shall not include month-to-month tenancies in dwelling units, bed-and-breakfasts, hotels or motels. Short-term rentals are prohibited in the Village of Marcellus.

**Section 188-10 – Short-term rentals prohibited**

It shall be unlawful for any person to offer to rent or to operate any dwelling unit or rooming unit or portion thereof, or to rent or operate any accessory structures related to the dwelling unit or rooming unit or portions thereof, as a short-term rental as defined above.



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