

# TAB B

## Examples of Short Term Rental Local Laws and Regulations

# **City of Oneonta, NY**

[3] *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*

### § 300-32 Short-term rentals.

See definition in § 300-4.

- A. Authority to grant or deny permits for short-term rentals. The Code Enforcement Officer shall have the authority to issue new and annual renewal permits under this provision.
- B. Fee. Every application for a permit shall be accompanied by a nonrefundable fee, which shall be set by resolution from time to time by the Common Council of the City of Oneonta.
- C. New applications for short-term rentals shall be subject to the following:
- (1) Districts permitting new short-term rentals. Upon the adoption of the 2011 City Zoning Code, new rentals will only be allowed in the MU-1, MU-2, R-4 and C/I Districts.
  - (2) Shared driveways. If there is a shared driveway and each property is owned by different owners, the application will be denied unless each property owner states in writing that they have no objection to the issuance of the permit. If all properties involved are owned by the same owner, this restriction shall not apply.
- D. Renewal applications for short-term rentals shall be subject to the following:
- (1) Any short-term rental property that received a permit for the 2011 summer rental season may apply for renewal. In order to be considered a renewal, the property must have been issued a permit in the immediately preceding year. All other applications shall be considered new applications. Prior years' issuance of a permit does not imply/guarantee approval of subsequent applications.
  - (2) Conditions for denial of permit renewal. The City of Oneonta shall deny renewal of a permit for short-term rentals based on any or all of the following criteria:
    - (a) That there are current code violations or expired reports, forms or certifications.
    - (b) That the applicant property fails to meet all standards of the certificate of substantial compliance.
    - (c) That tenants at the property were issued more than two noise ordinance violations during the previous 12 months.
- E. Property requirements/required materials to be provided with application. The following requirements must be met and proof submitted with applications. Proof may include photocopies, photographs, signed application statements, or other verifiable information. Other materials such as information on tenant rules, code of conduct, or property safety features may be included.
- (1) All applications for short-term rentals must include a copy of a current and valid certificate of substantial compliance issued by the City of Oneonta Code Enforcement office.
  - (2) Emergency contact information. Such information shall include, but not be limited to: the name, addresses and phone numbers of the building owner, if local, or a local agent, and second local contact person who will be available for problems/emergencies that may arise. A local agent shall be a person that meets the criteria for local agents found at § 158-58B of the Code of the City of Oneonta as one who can respond in person to calls within one hour. "Nonresident owners," as that term is used at § 158-58B, shall be defined as those persons that reside outside of the following zip code areas: 12116, 12155, 13348, 13415, 13747, 13750, 13751, 13753, 13757, 13775, 13776, 13796, 13806, 13807, 13808, 13810, 13820, 13825, 13834, 13846, 13859, 13860, 13861. The above emergency contact information, as well as instructions for dialing 911 for emergency/fire/ambulance assistance, shall be posted on or about the inside of the front or main door of each short-term rental occupancy dwelling unit.
  - (3)

All applicants must contact the Code Enforcement office to obtain a list of all property owners within a two-hundred-foot radius of proposed short-term rentals and notify these property owners, in writing, via regular first-class mail, of the dates they plan to rent their property. This notification must include the name and phone numbers of at least two local agents who will be available for problems/emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the short-term rental.

- (4) That the property has at least one off-street parking space for each rental dwelling unit. Exception: in the MU-1 District.
  - (5) That the property owner will comply with all applicable occupancy limitations of the City of Oneonta Housing Code, including but not limited to §§ 158-10A, 158-11A and C, 158-12E(1), 158-14B(2) and (3). A scaled floor plan sketch showing dimensions, room uses, and door and window locations is required for all new applications and for renewal applications, if changed.
- F. Approval or denial. The Code Enforcement Officer shall have the authority to immediately approve the application if all required documentation and other pertinent information has been submitted and meets all review criteria as set forth in this chapter.
- G. Fines and penalties/failure to obtain a permit; short-term rental without a permit. An administrative penalty shall be imposed against the owner of the premises for every day said premises are rented as a short-term rental without a permit; the amount of the penalty will be set by resolution from time to time by the Common Council of the City of Oneonta. Such penalty shall be determined upon investigation and determination by the Code Enforcement office. The property owner shall be notified, in writing, of any violation or imposition of a penalty and the process for appeal. Any finding and/or imposition of a penalty may be appealed, in writing, to the Board of Public Service within 45 days of the notice of violation. A claim of ignorance of the provisions of this statute shall not be a basis for appeal. Any amount of an administrative penalty which is not paid within 45 days of notice or within 45 days after appeal shall be charged an additional administrative penalty of 12% interest and the same shall be re-levied upon the real property taxes for the property and become a lien against the premises.

# **Village of Lakewood, NY**

CHAPTER 24  
CODE OF THE VILLAGE OF LAKEWOOD, N.Y.

§ 24-1 SHORT TERM RENTAL REGULATIONS.

- A. This section applies to a short-term rental use that:
- (1) is rented for periods of less than 30 consecutive days;
  - (2) is not part of a multifamily use; or
  - (3) is not occupied by the owner as a primary residence;
  - (4) is rented for not less than seven (7) consecutive days.
- B. A short-term rental use under this section may not:
- (1) include the rental of less than an entire dwelling unit;
  - (2) operate without a license as required by Section 24-5;
  - (3) operate without providing notification to renters as required by Section 24-3 (B)

§ 24-2 LICENSE REQUIREMENTS.

- A. To obtain a license, the owner of a short-term rental use must submit an application on a form provided for that purpose by the Village Clerk. The application must include the following:
- (1) a fee established by separate ordinance;
  - (2) the name, street address, mailing address and telephone number of the owner of the property;
  - (3) the name, street address, mailing address and telephone number of a local responsible contact for the property;
  - (4) the street address of the short-term rental use;
  - (5) proof of property insurance;
  - (6) statement of payment of county bed taxes due as of the date of submission of the application; and
  - (7) any other information requested by the Village Clerk.
- B. The Village Clerk shall issue a license under this section if:
- (1) the application includes all information required under this section;
  - (2) the proposed short-term rental use complies with the requirements of Chapter 24 of the village code;
  - (3) the structure has a valid certificate of occupancy or compliance;
  - (4) the structure has been determined by the Code Enforcement Officer not to pose a hazard to life, health or public safety, based on a minimum life-safety inspection;
  - (5) is approved by a resolution by the Village Board.
- C. A license issued under this section:
- (1) is valid for a maximum of one year from the date of issuance, subject to a one-time extension of 30 days at the discretion of the Village Clerk;
  - (2) may not be transferred by the property owner listed on the application and does not convey with a sale or transfer of the property; and
  - (3) satisfies the requirements for a change of use from residential to short-term rental use;
- D. A license may be renewed annually if the owner:
- (1) pays a renewal fee;
  - (2) provide statement of payment that hotel occupancy taxes have been paid for the licensed unit required by the County of Chautauqua for the previous year;
  - (3) provides updates of any changes to the information required;
  - (4) the Code Enforcement Officer has issued a Certificate of Occupancy based on a life safety inspection conducted at initial license issue and at a minimum of every 36 months thereafter; at the discretion of the Code Enforcement Officer. (2)

# **Village of New Paltz, NY**

Village of New Paltz, NY  
Friday, October 5, 2018

## Chapter 129. Housing Standards

### Article II. Rental Property Registration and Inspection

[Amended by L.L. No. 3-1997; 1-8-2003 by L.L. No. 1-2003; 11-3-2004 by L.L. No. 10-2004; 11-12-2008 by L.L. No. 13-2008; 10-22-2014 by L.L. No. 13-2014; 1-14-2015 by L.L. No. 2-2015<sup>[1]</sup>]

[1] *Editor's Note: This local law provided an effective date of 1-1-2015.*

#### § 129-7. Registration and inspection required.

- A. Any rental property shall be registered and inspected annually in accordance herewith.
- B. If the owner of a registered rental property does not maintain his or her primary residence within 15 miles of the Village of New Paltz, said owner shall appoint a property manager who does maintain his primary residence within that distance, and, in that event, such property manager shall be registered with the Building Inspector along with the rental property itself.
- C. Whenever ownership of a rental property is transferred, the new owner - if the property is to be rented - must notify the Building Inspector of the change of ownership within 15 days of the date of change in title. No additional annual fee for the year in which the transfer was completed shall be required from the new owner of the rental property. The new owner if the property is to be rented shall be liable for compliance with this chapter and the rental property registration requirements as set forth herein, including any violations thereof whether before or after taking title.

#### § 129-8. Registration requirements.

- A. The owner of a rental property shall file with the Building Department a rental property registration form as prescribed by the Building Inspector within the time frame set forth in § 129-7C and prior to its first-time use or occupancy as a rental property. Such form shall include, but not necessarily be limited to:
  - (1) The name, street address, mailing address, email address and home, work and cell numbers of both the property owner and property manager if applicable;
  - (2) The property location, both by street or postal address and tax roll identification number of the subject rental property;
  - (3) The number of dwelling units contained in said building;
  - (4) The number of individual sleeping units contained in each dwelling unit;
  - (5) The number of intended tenants, subtenants and/or occupants of each dwelling unit;
  - (6) The signature of the property owner and/or property manager;
  - (7) The signature of the Building Inspector, which shall not be affixed until the inspection procedure set forth herein has been completed and there is a determination that there are no violations of this or any other Code provision;

- F. Tenant list. The property owner shall certify or affirm that he or she has the name, address and contact information for each tenant or subtenant occupying each dwelling unit. Any property owner who fails to maintain said information shall be guilty of a violation of this chapter, which is hereby declared to be a violation, and, upon conviction thereof, shall be punished by a fine not to exceed the amount set forth in the schedule of penalties, fees and fines maintained by the Village per tenant or subtenant.

## § 129-9. Inspection procedure.

- A. All registered rental properties shall be inspected by the Building Inspector at least annually.
- B. Property owner or manager shall be provided a copy of the blank annual inspection report checklist at the time that the registration application is filed whose criteria shall be maintained by the Building Inspector. Tenants of the subject rental property shall be entitled to a copy of the annual inspection report checklist upon request.
- C. The Building Inspector shall have the right to inspect all properties which are required to be registered in accordance with this chapter except that the owner, property manager or owner's agent shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Building Inspector in order to enable such inspection. The Building Inspector shall be required to obtain a search warrant whenever the owner, property manager or owner's agent refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of such official without a search warrant.
- D. Property owners, managers, and tenants shall be responsible for providing access to all parts of the premises within their control to the Building Inspector and/or Code Enforcement Assistant or their designees, acting in their official capacity under these or other provisions of the Code.
- E. If access is refused or cannot be obtained, the Village shall have the right to revoke or deny the rental property registration.
- F. After the completion of the inspection itself, the Building Inspector shall cite the property owner with a notice to remedy within 30 days, and, if the violation is not remedied within 30 days, then the Building Inspector shall issue a violation and appearance ticket for said violation. Notwithstanding the foregoing, if in the Building Inspector's judgment the violation witnessed during the inspection poses an imminent threat to the health, safety, and welfare of the property occupants or the public, the Building Inspector may issue a violation and appearance ticket immediately, without first issuing an order to remedy.
- G. If there are no code violations or violations of this chapter, the owner shall be issued a rental property registration.
- H. If there are code violations or violations of this chapter which are not or cannot be immediately remedied according to § 129-8D(2)(c), the Building Inspector shall not issue the rental property registration, and shall issue orders to remedy or appearance tickets for all such violations as set forth herein.
- I. In the event of the issuance of appearance tickets, a rental property registration shall not be issued to the owner until there has been a final disposition of the matters which are the basis for the appearance ticket or tickets before the Town Court and the conditions remedied or a determination made by the Court that no violation of code or this chapter had been committed.

## § 129-10. Rental index.

- A. The Building Inspector shall maintain a rental index of all registered rental properties, and shall make said index available to any person seeking access thereto.
- B. The rental index shall include, but not be limited to:

## § 129-14. Applicability.

The provisions of this article shall be applicable to all newly registered rental properties as of the effective date of this article. For those properties that are currently registered under the existing Chapter 129 of the Village Code, the provisions of this newly enacted Article II of Chapter 129 shall be applicable to those properties as of the date of the expiration of said property's current registration.

## § 129-15. (Reserved)

# **Village of Coxsackie, NY**

# 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 ~~enacted~~ <sup>amended</sup> ~~enacted~~ <sup>amended</sup> use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

OCT 25 2013

MISCELLANEOUS  
& STATE RECORDS

- ~~County~~
- ~~City~~ of Cossackie
- ~~Town~~
- Village

Local Law No. 1 of the year 2013

A local law to regulate short-term residential rentals  
(Insert Title)

Be it enacted by the Village of Cossackie Board of Trustees of the  
(Name of Legislative Body)

- ~~County~~
- ~~City~~ of Cossackie as follows:
- ~~Town~~
- Village

(Delete this line of text and enter text of local law here)

SEE ATTACHED

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

(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. 1 of 20 13 of the (County)(City)(Town)(Village) of Coxsackie was duly passed by the Village Board of Trustees on Oct. 15, 20 13, 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 \_\_\_\_\_ or \_\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (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 electors 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 \_\_\_\_\_. 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.)**

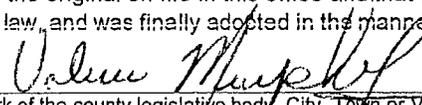
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 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.

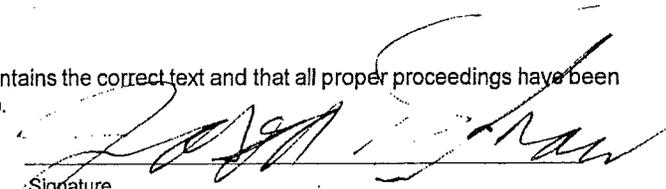
  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body  
Valerie Murphy, Village Clerk  
Date: October 16, 2013

(Seal)

**(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 Albany

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  
Village Attorney  
Title

~~XXXX~~  
~~XX~~ of Coxsackie  
~~XXXX~~  
Village

Date: October 16, 2013

**LOCAL LAW NO. 1 OF 2013 OF THE VILLAGE OF COXSACKIE**  
**REGULATION OF SHORT-TERM RESIDENTIAL RENTALS**

BE IT ENACTED by the Board of Trustees of the Village of Coxsackie as follows:

**1. Findings and Intent.**

A. The village board finds that short-term residential rental activities constitute a business which impacts upon the public health, safety, and general welfare of the people of the village. The use of single- and multi-family dwelling units for vacation rental lodging purposes provides visitors an alternative to standard lodging; however, such uses in certain residential neighborhoods may have negative effects on the character and stability of such neighborhoods. This law is enacted pursuant to Municipal Home Rule Law § 10. The purpose of this chapter is to establish regulations for the use of short-term residential rentals in order to protect the public health, safety, and general welfare of the people of the village and to further achieve the following beneficial purposes:

1. The protection of the character and stability of residential areas;
2. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
3. The preservation of the value of land and buildings throughout the village.

B. This chapter is not intended to regulate hotels, motels, inns, bed and breakfast establishments, time-share units, rooming houses, nursing homes, halfway homes, or rehabilitation homes. Residential units rented on a month-month or annual basis, pursuant to a valid lease agreement, are also excluded.

**2. Definitions.**

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

AGENT - A person 18 years of age or older or entity designated by the owner on the registry form who, by such owner designation, shall have the authority to make decisions regarding the management and maintenance of any and all rental units owned by the owner and located within the village.

CODE - New York State Uniform Fire Prevention and Building Code, as amended.

COUNTY - Greene County, New York.

DEPARTMENT - Village of Coxsackie's code enforcement department.

GOOD NEIGHBOR BROCHURE - A document prepared by the village board that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Code of the Village of Coxsackie that are applicable to or expected of residents of the village.

OWNER - Person(s) or entity(ies) that hold(s) legal and/or equitable title to a rental unit.

PROPERTY - A residential legal lot of record on which a rental unit is located.

RENTAL UNIT - One or more residential dwellings, including either a single-family detached or multiple-family attached unit, or any portion of such a dwelling, for purposes of a short-term residential rental.

RENTAL REGISTRATION CERTIFICATE - The annual certificate issued by the village clerk upon receipt of an owner's completed registration form and payment of fee, pursuant to this chapter.

RESPONSIBLE PERSON - An occupant of a rental unit required to be at least eighteen years of age, and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this chapter and/or the village code.

SHORT-TERM RESIDENTIAL RENTAL - A rental unit rented for occupancy for dwelling, lodging, or sleeping purposes to the same renter for the same unit for a period of twenty-eight consecutive days or less, other than ongoing month-to-month or annual tenancy.

VILLAGE CODE - Code of the Village of Coxsackie.

VILLAGE CLERK - The clerk of the Village of Coxsackie.

### **3. Rental unit registration.**

- A. In addition to any registry requirements pursuant to the state's multiple residence law, no person shall allow to be occupied, or rent to another for occupancy, any rental unit unless the owner has first registered such unit with the village clerk in accordance with the provisions of this section.
  
- B. Within 60 days after the effective date of the ordinance from which this chapter is derived, the owner of each rental unit existing on such effective date shall file with the village clerk a registry form. The owner of each rental unit constructed after the effective date of the ordinance from which this chapter is derived shall file with the village clerk a registry form as herein provided prior to any initial occupancy. Such application shall be made on a form furnished by the village clerk and shall set forth the following information, in addition to

other information required by the department from time to time which may be necessary to administer, enforce and ensure compliance with the provisions of this article:

- (1) Name, principal residence address, telephone number and email address of each owner of record;
  - (2) If the owner is an association, partnership, limited liability partnership, joint tenancy, tenancy in common, tenancy by the entirety or other entity, the name of each and every owner, partner or general partner and addresses in accordance with subsection (B)(1) of this section;
  - (3) If the owner is a corporation or a limited liability company, the principal place of business of the corporation must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included;
  - (4) The street number of each rental unit;
  - (5) The number of rental units in each building;
  - (6) The types of any fire protection systems located in each building;
  - (7) The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit;
  - (8) Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a rental unit; and
  - (9) If applicable, the name of the owner's designated agent with the agent's principal residence address, principal business address, phone numbers and email address.
- C. It shall be the responsibility of the owner to properly register any change of address, agent or any other registration information which occurs after the filing of the registry within 60 days of the date of change.
- D. For purposes of this section, a post office box shall not be accepted as the owner's or agent's address. Further, the rental unit intended to be registered shall not be accepted as the owner's or agent's address unless it is the principal place of business or residence of the owner or agent.
- E. 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.

F. Within 60 days of the date of transfer of the legal or equitable title to any building required to be registered by this article, the new owner shall file with the village clerk a new registry form.

**4. Term.**

A rental registration certificate issued pursuant to this chapter shall expire one year after the date of issuance, unless sooner revoked. Renewal of the rental registration certificate is due 30 days prior to its expiration and requires payment of the annual fee. If applicable, any change of address, agent or any other registration information shall be submitted at the time of renewal.

**5. Fee.**

An annual registration fee, in an amount to be established by resolution of the Village Board, shall be paid by the owner at the time of filing a rental registration certificate for each rental unit being registered.

**6. Operational Requirements and Standard Conditions.**

A. Every owner of property within the village is required to maintain such property and rental unit in a manner so as to not violate the provisions of this code and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. The owner shall use reasonably prudent business practices to ensure that the rental unit complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.

C. The owner shall limit overnight occupancy of the rental unit to a specific number of occupants, with the maximum number of overnight occupants as two persons within each rental unit plus an amount not to exceed two persons per bedroom within each rental unit. The owner shall also limit the total daytime occupancy of the rental unit to a specific number of occupants not to exceed an amount determined by adding the total overnight occupants to a number equal to fifty percent of the overnight occupants; except that two daytime occupants shall be permitted in a studio unit or such other unit that does not contain a separate bedroom. The following chart is provided as an example of how this section would be applied to specific situations:

Number of Bedrooms	Total of Overnight Occupants	Additional Daytime Occupants	Total Daytime Occupants
0	2	2	4
1	4	2	6
2	6	3	9

3	8	4	12
4	10	5	15
5	12	6	18
6	14	7	21
7	16	8	24

- D. During the term each rental unit is rented, the owner, his or her agent, and/or the local contact person designated by the owner, shall be available twenty-four hours per day, seven days per week for the purpose of responding within a timely and appropriate manner to complaints regarding the condition, operation, or conduct of occupants of the rental units.
- E. The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Village Code or any state law.
- F. For each separate rental occasion, prior to occupancy of a rental unit, the owner or the owner's agent or representative shall: (1) obtain the name, address, and driver's license number of the responsible person; (2) provide a copy of the good neighbor brochure to the responsible person; and (3) require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance of all occupants of the rental unit or their guests with all provisions of this chapter and/or the Village Code. This information shall be maintained for one year from the issuance of a rental registration certificate and be readily available upon request of any officer of the village responsible for the enforcement of this chapter.
- G. The owner, or his or her agent, shall, upon notification that the responsible person, including any occupant and/or guest of the rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Village Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. Failure of the owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the rental unit in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter. It is not intended that an owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation. The owner, or his or her agent, shall report the name, violation, date, and time of disturbance of each responsible person involved in three or more disturbances covered by this subsection to the Department.
- H. 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 five a.m. and eight p.m. on scheduled trash collection days. The owner of the rental unit shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapters 82 and 126 of the Village Code (Littering and Solid Waste, respectively), and shall provide the highest level of solid waste collection service available to residential customers in the village.

- I. The owner of the rental unit shall post a copy of the rental registration certificate, good neighbor brochure, and a copy of the conditions set forth in this section in a conspicuous place within the unit.
  - J. The owner 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 pick-up 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 chapter;
    - (5) Notification that the responsible person may be cited or fined by the department 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 chapter;
    - (6) Notification that failure to conform to the occupancy requirements of the rental unit is a violation of this chapter;
    - (7) A copy of this chapter of the Village Code, as may be amended from time to time.
  - K. The use of a rental unit shall not violate any applicable conditions, covenants, or other restrictions on real property.
  - L. The department shall have the authority to impose additional standard conditions, applicable to all rental units, as necessary, to achieve the objectives of this chapter. A list of all such additional standard conditions shall be maintained and on file in the office of the village clerk and such offices as the department designates.
- 7. Advertising.**
- A. All advertising for a short-term residential rental shall include the valid certificate number issued to the registered owner.
  - B. Reservation websites shall include the short-term residential rental policies or a working link to such policies.

## 8. Violations.

- A. Any person who uses, or allows the use of, property in violation of the provisions in this chapter may be issued an appearance ticket pursuant to Chapter 3 of the Village Code. Violations are punishable by a fine in the amount of two hundred fifty dollars (\$250.00) and each subsequent violation shall be five hundred dollars (\$500.00).
- B. Upon three violations in any twenty-four month period, the department may suspend or revoke the rental registration certificate for a rental unit. Suspension or revocation may, at the department'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 department. 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.

## 9. Effective Date

This Local Law shall take effect upon its filing with the New York Secretary of State.

# **Town of Geneva, NY**

**FILING LOCAL LAW**

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

**(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 **Geneva**  
Village

FILED  
STATE RECORDS

APR 19 2016

DEPARTMENT OF STATE

Local Law No. 2 of the year 2016.

A local law **"Amending Chapter 165 (Zoning) of the Code of the Town of Geneva to Add Regulations Pertaining to Short-Term Rentals"**

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County  
City  
Town of **Geneva**  
Village

as follows:

Section 1. Section 165-3 of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new definition for "Short-Term Rental" to read as follows:

SHORT-TERM RENTAL – A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights, and is not regulated by any other section of the Code of the Town of Geneva. "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

Section 2. Schedule I – Permitted Uses in Section 165-7 of the Zoning Code of the Town of Geneva is hereby amended by adding "Short-term rental in compliance with section 165-28.6" under the Residential Uses heading and making such Use a permitted use by right in the A, R-1 and R-2 District columns such that the letter "P" shall appear in these locations of the Schedule.

Section 3. Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended with the insertion of a new Section 165-28.6 to read as follows:

§ 165-28.6. Short-Term Rental Regulations.

A. Permit Required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.

- (1). A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (2). A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
- (3). The short-term rental permit is transferable to a new owner, so long as the owner registers with the Town, updates the short-term rental permit application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.

tank and leach or absorption area, as set forth in the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A system failure will require a new passing inspection report. The Town Code Enforcement Officer may allow occupancy in excess of these regulations and standards if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further, periodic inspection by the Town Code Enforcement Officer or designee.

- (5) The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- (6) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

C. Short-Term Rental Standards. All short-term rentals shall meet the following standards:

- (1) The maximum occupancy for each short-term rental unit shall be the smaller of:
  - (a) the maximum number of people allowed based on the septic inspection report, if applicable; or
  - (b) the number of people calculated on the basis of 2 persons per sleeping room (unless the room size is below 100 square feet), plus an additional 2 persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (2) The property must have sufficient off-street parking spaces, in compliance with the requirements of Article VI (Off-Street Parking and Loading) of this Chapter, to accommodate the maximum occupancy.
- (3) Tenants and guests shall park in the off-street parking spaces required by Article VI (Off-Street Parking and Loading) of this Chapter and shall not park on any part of the lawn of the property nor on the street.
- (4) A house number visible from the street or road shall be maintained.
- (5) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pick-up time.
- (6) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

D. Procedure upon filing application.

- (1) Upon the filing with the Town Code Enforcement Officer of the permit application, permit fee, and all documents and information required by this Chapter, the Town Code Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Code Enforcement Officer.
- (2) In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, he may petition a court of competent jurisdiction for a search warrant to conduct an inspection of the short term rental property for purposes of ensuring compliance with this section. Alternatively, the Town Code Enforcement Officer may request permission from an owner of the short term rental to come onto the property and to conduct an inspection of the short term rental

E. Conformity and Display of Permit.

- (1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- (2) Prior to any tenants coming onto the short-term rental property:
  - (a) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
  - (b) A copy of the current short-term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property). A statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Town Code Enforcement Officer.
- (3) The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Officer immediately upon any information contained on the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property).

F. Compliance, Hearings and Penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Geneva, Ontario County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this Chapter.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- (1) The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.
- (2) The contact person shall, within two (2) hours of receiving the complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
- (3) If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.
- (4) If the Town Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstances:
  - (a) Attach reasonable conditions to the existing short-term rental permit;
  - (b) Suspend the short-term rental permit; and
  - (c) Revoke the short-term rental permit.
- (5) Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
- (6) The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint.