

**ORDINANCE #8 - 2023**  
**AN ORDINANCE AMENDING CHAPTER 350 AND CHAPTER 215 OF THE GENEVA CITY CODE**

Be it ordained by the City Council of the City of Geneva, NY that Chapter 350 of the Geneva City Code be amended to add Section 350-26.4, entitled Short Term Rentals, and Chapter 215 be amended to add Section 215-44, entitled Short-term rental operator license, as follows.

Be it further enacted that Schedule I Permitted Uses in the City Code Chapter 350 be edited to reflect the use Short-Term Rental allowed in all zones by Special Use Permit subject to requirements and processes described in Chapter 350-34 and Operator License requirements of Chapter 215-44.

**§ 350-34 SHORT-TERM RENTALS**

**350-26.4-1. Findings:**

The purpose of this Chapter is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of predominantly owner-occupied neighborhoods.

**350-26.4-2 Definitions**

**Short-Term Rental**

As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

**Rental**

As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for 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.

**350-26.4-3. Presumption of dwelling unit as short-term rental property**

- A. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:

1. All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or
  2. All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

#### **350-26.4-4. General Requirements.**

A. General Requirements.

1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Special Use Permit and/or Site Plan Review.
2. The property must have sufficient off-street parking spaces as required by the City of Geneva Code Enforcement Office or the City Planning Board on Special Use Permit Review.
3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
4. The maximum number of bedrooms that can be rented is limited to 4.
5. The maximum occupancy for each short-term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1..
6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the short-term rentals in the City of Geneva must conform to what is allowed under this section, the short-term rental permit issued for the short-term rental in question, and contain a statement advising potential occupants that short term rentals of the property are subject to Section 350-44 of the Geneva City Code.
8. A Short-Term Rental may only be used for overnight accommodations and shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.
9. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

B. Short-Term Rental License Required.

The Operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.

1. Where the district regulations of this Chapter require a special use permit or site plan review, issuance of such approval shall be required prior to issuance of a revocable short-term rental license under Chapter 215-44.
2. Owners of properties being currently operated as a short-term rental as defined in this section, shall apply for a license within sixty (60) days of the effective date of this section. A Temporary License shall be issued pending a decision on the application.

## **Chapter 215-44 Short-term rental operator license**

### **215-44-1 Short-term rental License Required.**

A. In addition to the requirements contained in Chapter 350, the Operator of a Short-Term Rental unit must also possess a current and valid Short-Term Rental License, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

### **44.2 Short-term rental license application, renewal, and fees**

A. An application for or renewal of a short-term rental license shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the permit fee in the amount determined as part of the annual chart of accounts of the City of Geneva. The application shall be completed on a form provided by the City of Geneva, and shall include the following:

1. A list of all of persons and entities that have an ownership interest in the premises to be used as a short-term rental, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
2. Completion of a signed and notarized affidavit by the property owners certifying the following:
  - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
  - b. The number of parking spaces on the property meet the zoning requirements for a bed and breakfast use;
  - c. There are no outstanding property taxes or tax liens associated with the dwelling unit, nor does the Owner owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;
  - d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.

- e. The Owner has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
  - f. The Owner will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti-discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
  - g. Designation by the Owner of a registered local contact who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints.
3. Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the City Code Enforcement Officer has reason to believe an inspection is warranted.
  4. A site plan, drawn to scale, showing the location of buildings and required parking.. An accurate, suitable plan need not be prepared by a professional.
  5. A statement that the property is served by a public sewer.
  6. Mobile Telephone numbers and email addresses of a contact person(s), 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.
- B. The owner shall sign a consent authorizing the City Code Enforcement Office to enter upon the premises to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the short-term rental, as authorized by this section; and to verify the number of parking spaces on the property meet the standards set forth in the City Code zoning requirements for a bed and breakfast use or any conditions associated with Special Use Permit or Site Plan Approval.
- C. Upon the filing of a complete permit application with the City Code Enforcement Office together with the permit fee, and all documents and information required by this section, the City Code Enforcement Office shall have thirty (60) days to review the application and then either issue the permit, including, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
- D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental property for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the License, with or without conditions, or to not issue the License
- E. Short-Term Rental License Provisions.

1. A short-term rental permit shall be obtained prior to using the premises as a short-term rental.
2. A short-term rental permit shall be valid for two calendar years, and shall expire on December 31 of the second 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 City, 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.
4. If the conditions under which the short-term rental permit is issued are not maintained or these regulations are violated, the short-term rental permit may be revoked and the owner subject to the penalties of this Chapter and the penalties set forth below.

F. Short-term rental permits issued pursuant to this section shall state the following:

1. The names, addresses, and phone numbers of the subject property owner or property manager who lives within 30 minutes of the City of Geneva if subject property owners do not live within 30 minutes of the City of Geneva.
2. Identification of the number of and location of off-street parking spaces available and the amount required by the code.
3. A statement that the short-term rental permit may be revoked for violations.
4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
5. Any conditions imposed by the City Code Enforcement Office or the City Planning Board on Special Use Permit Review.
6. The permit expiration date, which shall be December 31st of the second year the permit is effective.

G. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental.

H. Application Denial. City Code Enforcement may decline an application for any of the following reasons:

1. The application is incomplete, the documentation required is not included with the application, or the full permit fee, in payment form acceptable for the City Clerk, is not included with the application.
2. A short-term rental permit issued to any of the owners was revoked within the two years prior to the date of the application.

3. City Code Enforcement determines upon review of application or inspection that the subject property is not in compliance with City code.
4. The site plan required to be submitted with the application does not comport with the requirements of this section.

#### **215-44-2 Owner/Tenant Responsibilities**

- A. The Owner of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities
- B. The Owner of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.
- D. It shall be the responsibility of the Owner to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner of the obligation to pay taxes and fees owed pursuant to this Chapter.
- E. With respect to the dwelling unit which the tenant occupies, controls or uses, the Owner shall be responsible for the following standards:
  1. Occupancy limitations and the lawful use of a dwelling unit;
  2. Maintenance of the dwelling unit in a clean, safe and sanitary condition;
  3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
  4. Keeping exits in the dwelling unit free and clear of obstacles and debris.
  5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short Term Rental.
  6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner.
  7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the property is designed to accommodate on-site parking) or off-site where parking adjacent to the property is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental unit.
  8. Ensuring that all occupants of the dwelling unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental unit shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.
- F. Compliance with Other Laws. The Owner shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

### 215-44-3 Compliance, Hearings, and Penalties.

- A. Owners of short-term rental units shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Special Permit and/or License issued pursuant to this code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances
- C. The Director or his designee shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.
- D. Inspection Fee. Every property Owner shall pay a fee to be set by the City Council annually in their schedule of fees, to be assessed against the property, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. In the event that the Code Enforcement Office determines that a violation exists, it shall inform the Owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days
- F. Failure to remedy violations
  - 1. Following the expiration of the time period set forth in Section “E” above, the Owner of the Short-Term Rental unit shall be guilty of a violation and such License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
  - 2. The Owner of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
  - 3. The Owner of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner and location.
- G. An Owner that has a License permit revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner has demonstrated that all violations have been corrected and that he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.
- H. Non-Permitted/Licensed Operation: No person shall operate a Short-Term Rental unit without a current Special Permit or Site Plan Approval as required in the applicable zone, and a License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Operator by written correspondence, hand delivered or sent via first class mail to the address of the property in question. The Operator will be given seventy-two (72) hours to cease operating the subject property as a Short-Term Rental unit. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, the Operator shall be in violation of this Chapter and be subject to the penalties listed below

**215-44-4 Appeals**

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the owner or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

**215-44-5 Penalty**

Those determined to be operating a Short-Term Rental without a required permit or license or otherwise failing to comply with determinations of the City Code Enforcement Office; or the City Planning Board on Special Use Permit Review; or otherwise failing to comply with City Code § 215-44 will be guilty of a violation, punishable by a fine to be set by City Council. For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

**215-44-6 Effective Date**

This Ordinance, amending the Geneva City Code shall take effect 150 days upon adoption by the City Council.

ADOPTED BY THE GENEVA CITY COUNCIL ON October 4, 2023.

ATTEST:

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Mayor

\_\_\_\_\_  
City Clerk