



## TOWN OF GENESEO

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GARY MIX COUNCIL MEMBER  
ELLEN M ZAPF, RMC TOWN CLERK  
EDMUND RUSSELL TOWN ATTORNEY  
LARRY LEVEY HIGHWAY SUPERINTENDENT  
JARED RADESI CODE ENFORCEMENT OFFICER

### Resolution dated July 12, 2023

#### **Adopt Local Law #2 of 2023 entitled “Geneseo Short-term Rental Law”:**

Councilmember Deming moved, and Councilmember Mix seconded the motion to Adopt Local Law #2 of 2023 entitled “Geneseo Short-Term Rental Law”:

#### LOCAL LAW NO. 2 OF THE YEAR 2023 OF THE TOWN OF GENESEO

#### **Article I General Provisions**

Be it enacted by the town board of the town of Geneseo as follows:

#### **1. Title.**

This chapter will be known as the “Geneseo Short-Term Rental Law” and will be referred to as such in this chapter.

#### **2. Findings and purpose.**

The Town Board has determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety, and well-being within the Town. The Board also recognizes that short-term rentals can attract visitors to the Town and can provide an additional source of income for Town residents. Accordingly, the Board wishes to provide regulations to protect against adverse effects of this use while allowing it under appropriate circumstances. This chapter is adopted pursuant to New York Municipal Home Rule Law.

#### **3. Effect on other laws.**

This chapter supplements and/or incorporates the requirements contained in the State Building Code, the State Property Maintenance Code, and the State Multiple Residence Law. In the event of a conflict between the aforementioned codes and this chapter, the most restrictive requirements shall prevail to the extent permitted under applicable law. This chapter is intended to supplement rather than supersede existing state law.

**4. Definitions.**

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

RENTAL — Granting use or possession of a dwelling unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL — A dwelling unit that is rented, in whole for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, rooming house, campground or bed-and-breakfast.

SHORT-TERM RENTAL GUEST — Any person that uses a short-term rental in a way that they sleep, shower, cook, or have their luggage in it.

SHORT-TERM RENTAL OWNER — The legal title holder of a dwelling unit which is used as a short-term rental.

SHORT-TERM RENTAL AGENT — A designated agent for the receipt of, and response to, complaint, notice, legal process, or other service.

SHORT-TERM RENTAL PROPERTY — The entire area which is under the ownership or control of the short-term rental owner, including, as applicable, the parcel of land on which a short-term rental is located, together with the dwelling in which it is located and any other structures on the parcel.

**5. Zoning districts.**

Short-term rentals are allowed in all zoning districts within the Town of Geneseo upon issuance of a valid rental permit and subject to compliance with this chapter.

**Article II Administration**

**6. Rental permit required.**

No owner shall rent, let, lease, or otherwise allow the occupancy of any short-term rental unless that owner holds a valid rental permit.

**7. Information required from owner.**

Owners of residential short-term rental property that is located in the Town shall complete and sign a registration permit form provided by the Code Enforcement Office. The permittee shall be responsible for timely updating of information in the event that changed circumstances would render the information in the registration permit form inaccurate.

**8. Contents of rental permit.**

The rental permit issued under this chapter shall contain the following information:

- A. Address of the short-term rental property.
- B. Name and permanent physical address of the owner.
- C. Name and permanent physical address of the agent (if applicable).
- D. Daytime and evening telephone numbers of the owner and agent (if applicable).
- E. Mailing address for receipt of notices.
- F. Number of bedrooms.
- G. Number of parking spaces.
- H. A statement indicating that the property adheres to the Property Maintenance Code of New York State.
- I. A statement indicating that the property is registered for the Livingston County Guest Room Occupancy Tax.
- J. A statement indicating that the property maintains at least \$1M in liability insurance covering short-term renters (either through a hosting platform or an individual policy).
- K. A statement indicating that the property maintains written rules and regulations for short-term renters.
- L. A statement indicating that all owners of property adjacent to the short-term rental have been provided with the short-term rental owner's or short-term rental agent's contact information.
- M. The maximum number of guests.
- N. The date of issuance.
- O. The date of expiration.

**9. Fees; duration of permits; issuance of permits.**

- A. Rental permits will be issued for the current calendar year and shall be valid for such periods unless invalidated or revoked as provided in this chapter.
- B. Permits are not transferable, and fees are not pro-rated.
- C. Permits expire on December 31<sup>st</sup> of the current calendar year and are not automatically renewed for the subsequent calendar year; Owners are required to submit a registration permit form annually.
- D. Permits will be issued when all requirements of this chapter have been met.
- E. Rental registration fees will be charged in the amount set forth in the Schedule of Fees adopted by the Town Board by resolution and on the Application for Permit.

**Article III Standards**

**10. Short-term rentals shall comply with the following standards and requirements:**

- A. All short-term rentals are required to register with the Town.
- B. Short-term rentals shall comply with all local, state, and federal laws and regulations.
- C. Properties shall adhere to the Property Maintenance Code of New York State, including, but not limited to the following:
  - i. House numbers.
  - ii. Smoke detectors.
  - iii. Carbon monoxide detectors.

- iv. Exterior doors.
  - v. Electrical systems.
  - vi. Garbage containers.
  - vii. Sleeping rooms.
- D. Properties shall adhere to the 2021 Docks and Moorings Law of the Town of Geneseo, where applicable.
- E. Properties shall register for the Livingston County Guest Room Occupancy Tax.
- F. Properties shall maintain at least \$1M in liability insurance covering short-term renters (either through a hosting platform or an individual policy).
- G. The number guests permitted overnight at the short-term rental property is limited to two guests per bedroom plus two guests. The Town of Geneseo's assessment records shall be the final determination on the number of bedrooms.
- H. The number of vehicles permitted at the short-term rental property is limited to the number of designated parking spaces on the property. Designated parking spaces shall be on an improved surface, on the rental property, not part of a shared driveway or other shared access easement, and adhere to the minimum size of parking spaces, and other applicable requirements in Article 41 of the Town Code. On-street parking is strictly forbidden on town roads.
- I. Short-term rental owners shall establish written rules and regulations for short-term rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety, and general welfare by promoting a clean, wholesome, and attractive environment for the owner's property, adjacent property owners and the neighborhood. This document shall also list the penalties for violation of such rules or regulations. The renter must sign acknowledgment of these rules and regulations. A copy of the signed acknowledgement statement shall be maintained on the property and made immediately available upon request from law enforcement officers or the Town Code Enforcement Officer. The rules and regulations shall be enforced by the short-term rental owner. As a minimum, the rules and regulations shall address prohibition of the following behaviors: fighting, violence, tumultuous or threatening behavior, abusive or obscene language or gestures in public, exceeding the maximum number of guests, exceeding the maximum number of vehicles, parking on the street, and violations of the noise limits set in Article 46 of the Town Code, including unreasonable or excessive noise outside of the quiet hours of 10:00 p.m. and 7:00 a.m.
- J. The short-term rental owner must provide all owners of property adjacent to the short-term rental, as well as any non-adjacent property that shares a driveway or other shared access easement with the rental property, with their name, address, and telephone number.

#### **Article IV Complaint process**

- A. Official complaints will be made to the Code Enforcement Officer. The Code Enforcement Officer will investigate complaints and contact the owner or agent at their discretion.
- B. The owner or agent must be able to respond to any complaint received within one hour of receiving the complaint.
- C. The owner or agent must be able to resolve any complaint within 24 hours of receiving the complaint.

## **Article V Enforcement and penalties**

11. Any individual, partnership, corporation, or other firm owning, operating, occupying, or maintaining short-term rental property or a short-term rental shall comply with all the provisions of this chapter and all orders, notices, rules, regulations, or determinations issued in connection therewith.
  - A. The Code Enforcement Officer or designee shall be granted access upon reasonable request to the short-term rental property for the purpose of enforcement of compliance with short-term rental regulations.
  - B. Whenever it is found that there has been a violation of this chapter or any rule or regulation adopted pursuant to this chapter, a violation notice and/or appearance ticket or summons and complaint may be issued to the person, individual, partnership or corporation owning, operating, or maintaining the short-term rental or short-term rental property in which such violation has been noted.
  - C. The Code Enforcement Officer or designee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this chapter.
  - D. Penalties. Any person who shall violate any provision of this chapter, any order made hereunder, or any rules or regulations adopted pursuant to this chapter in addition to other penalties provided for in this chapter shall be guilty of an offense punishable in the following manner: a minimum fine of at least \$500 for each offense. Two offenses in a single calendar year permit period, or three offenses in over the course two consecutive calendar year permit periods, will result in the revocation of the current calendar year rental permit and the inability to reapply for a new rental permit in the following calendar year.
  - E. A civil action or proceeding in the name of the Town of Geneseo, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter or any rule or regulation adopted pursuant hereto. Such a remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.
  - F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this chapter shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter, or in any other applicable law. Any remedy or penalty specified in this chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this chapter. The Town may initiate enforcement proceedings under this chapter at any time following receipt of a complaint or if the Code Enforcement Officer determines that a violation has occurred.

### **EFFECTIVE DATE.**

This Local Law shall be effective January 1, 2024.

Motion carried with Wadsworth-absent, Deming-aye, Maxwell-nay, Mix-aye, and Griffo-aye. Nays: None.

**CERTIFICATE OF TOWN CLERK**

I, Ellen M. Zapf, RMC, Town Clerk of the Town of Geneseo, in the County of Livingston, New York, do hereby certify that I have compared the preceding RESOLUTION dated July 12, 2023 which was adopted by the Geneseo Town Board at their meeting on Wednesday, July 12, 2023 and that the same is a true and correct copy of said original and the whole thereof so far as the same may relate to the subject matters referred to therein.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of said TOWN OF GENESEO, this 12th day of July 2023.

  
Ellen M. Zapf, RMC Town Clerk

