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DRAFT
TOWN OF ATHENS
Local Law No. 1 of the year 2017
Dated: April 3, 2017

**A LOCAL LAW CREATING CHAPTER 147 OF
THE CODE OF THE TOWN OF ATHENS
TO REGULATE SHORT-TERM RESIDENTIAL RENTALS**

BE IT ENACTED by the Town Board of the Town of Athens as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: "Short-Term Residential Rentals Law of the Town of Athens."

SECTION 2. AUTHORITY.

This Local Law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

SECTION 3. PURPOSE AND INTENT.

The Town Board of the Town of Athens finds that short-term residential rental activities constitute a business which impacts the public health, safety, and general welfare of the residents of the Town. Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available, which attracts visitors and contributes to the local economy. However, citizens have experienced disturbances and public expense resulting from carelessly granted and inadequately supervised short-term residential rentals. The purpose of this chapter is to establish specific requirements and standards governing short-term residential rental activities designed to:

- a) preserve the peace and tranquility of the community for its permanent residents and curb and discourage the disturbances arising from irresponsible short-term residential rentals;
- b) protect the character and stability of residential areas;
- c) correct and prevent housing conditions that are likely to adversely affect the health, safety, and general welfare of persons occupying such short-term residential rentals and other residents of the Town; and
- d) preserve property values.

This chapter is not intended to regulate appropriately licensed hotels, motels, resorts, bed-and-breakfast inns, or residential units rented on a month-to-month or annual basis, pursuant to a valid lease agreement.

SECTION 4. AMENDMENTS TO CODE OF THE TOWN OF ATHENS, CHAPTER 147.

The Code of the Town of Athens is hereby amended by inserting a new Chapter 147, entitled "Short-Term Residential Rentals Law," to read as follows:

CHAPTER 147. SHORT-TERM RESIDENTIAL RENTALS LAW OF THE TOWN OF ATHENS.

§ 147-1. Definitions.

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

AGENT

A person eighteen (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 Town.

BEDROOM

Shall be subject to the requirements of and be defined in accordance with the Uniform Code or the Town Code, whichever is more restrictive.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Athens or such other person appointed by the Town Board to enforce the provisions of this chapter.

COUNTY

Greene County, New York.

LOCAL CONTACT PERSON

A person eighteen (18) years of age or older 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 Town. The local contact person must reside in the county and be available to respond to questions and concerns from neighbors and occupants of the rental unit and/or their guests.

OCCUPANT

Shall be defined as set forth in the Uniform Code or the Town Code, whichever is more restrictive.

OWNER

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

PROPERTY

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

RENTAL REGISTRATION CERTIFICATE

The annual certificate issued by the Town Clerk on receipt of an owner's completed registration form and payment of fee, pursuant to this chapter.

RENTAL UNIT

A building (as defined in Town Code § 180-3), including but not limited to a cottage, cabin, camp, single-family dwelling, two-family dwelling, multifamily dwelling, or dwelling unit, or any portion of such building, used for the purposes of a short-term residential rental. Appropriately licensed hotels, motels, resorts, and bed-and-breakfast inns are explicitly excluded from this definition.

RESPONSIBLE PERSON

An occupant of a rental unit required to be at least eighteen (18) years of age and who shall be legally responsible for compliance by all occupants of the rental unit and/or their guests with all provisions of this chapter and/or the Town Code.

SHORT-TERM RESIDENTIAL RENTAL

Use of a rental unit by fee-paying guests for the purpose of overnight lodging for a period of eight (8) consecutive days or less, other than ongoing month-to-month or annual tenancy pursuant to a valid lease agreement.

TOWN CLERK

The Clerk of the Town of Athens.

TOWN CODE

Code of the Town of Athens.

UNIFORM CODE

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

§ 147-2. Rental Unit Registration.

- A. No owner of a rental unit shall allow to be occupied, or rent to another for occupancy, any rental unit unless the owner has first registered such unit with the Town Clerk in accordance with this chapter and received a rental registration certificate.
- B. Within sixty (60) days after the effective date of this chapter, the owner of each rental unit existing on such effective date shall file with the Town Clerk a registry form. The owner of each rental unit constructed after the effective date of this chapter shall file with the Town Clerk a registry form as herein provided prior to any initial occupancy.
- C. The following information must be provided to the Town Clerk in order to register a rental unit and receive a rental registration certificate:
 - 1. The name, principal residence address, telephone number, and e-mail address of each owner of record of the rental unit;
 - i. If the owner's principal residence is not located within the county, the owner must designate an agent who resides in the county or local contact person whom the owner authorizes to make decisions regarding the management and maintenance of the rental unit and upon whom service of legal process and all notices may be served or delivered.
 - 2. If applicable, the name, principal residence address, telephone number, and e-mail address of the local contact person for the owner of the rental unit;
 - 3. If applicable, the name, principal residence address, telephone number, and e-mail address of the agent for the owner of the rental unit;
 - 4. The street number of the rental unit;
 - 5. The number of bedrooms in the rental unit;
 - 6. The maximum number of overnight occupants and maximum number of daytime occupants;
 - 7. Acknowledgment that all designated bedrooms meet the requirements of the Town Code; and
 - 8. Acknowledgment that the local contact person and agent, if any, and owner have read all regulations pertaining to the operation of a short-term residential rental.

§ 147-3. Term.

A rental registration certificate issued pursuant to this chapter shall expire one (1) year after the date of issuance, unless sooner revoked. Renewal of the rental registration certificate is due thirty (30) days prior to its expiration and requires payment of the annual fee. If applicable, any change of address, local contact person, agent, or any other registration information shall be submitted at the time of renewal.

§ 147-4. Fee.

An annual registration fee, in an amount to be established by resolution of the Town Board that shall be no greater than necessary to defer the cost incurred by the Town in administering the provisions of this chapter, shall be paid by the owner at the time of filing a rental registration certificate for each rental unit being registered.

§ 147-5. Operational Requirements and Standard Conditions.

- A. Each owner is required to maintain rental units in a manner so as to not violate the provisions of the Town Code or the Uniform Code, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such rental unit.
- B. The owner shall use reasonably prudent business practices to ensure that the rental unit complies 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 and property to a specific number of occupants, with the maximum number of overnight occupants as two (2) persons within each rental unit plus an amount not to exceed two (2) persons per bedroom within each rental unit. The owner shall also limit the total daytime occupancy of the rental unit and property to a specific number of occupants not to exceed twice the maximum number of overnight occupants. There shall be no more than one vehicle per two occupants. The following chart is provided as an example of how this section would be applied to specific situations:

Number of Bedrooms	Total Overnight Occupants	Additional Daytime Occupants	Total Daytime Occupants
0—Studio	2	2	4
1	4	4	8
2	6	6	12
3	8	8	16
4	10	10	20
5	12	12	24
6	14	14	28
7	16	16	32

- D. During the short-term residential rental, the owner, his or her agent, and/or the local contact person designated by the owner shall be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the rental units and must respond in a timely manner when notified that occupants are violating laws regarding their occupancy in order to prevent reoccurrence. Failure of the owner, his or her agent, and/or the local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the rental unit in a timely and appropriate manner is grounds for imposition of penalties as set forth in this chapter. It is not intended that the owner, his or her agent, and/or the local contact person act as a peace officer or place himself or herself in a dangerous situation.
- 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 any provision of the Town Code or any state law.
- F. For each short-term residential rental, prior to occupancy of a rental unit, the owner or owner's agent shall obtain the name and address of the responsible person. The owner or owner's agent shall maintain this information for one (1) year and have it readily available on request of any officer of the Town responsible for the enforcement of this chapter.
- G. The owner of the rental unit shall post a copy of the rental registration certificate and a copy of this chapter of the Town Code in a conspicuous place within the rental unit and shall provide each responsible person with the following information prior to occupancy of the unit:
1. The name of the agent and local contact person, if any, and owner of the unit with a telephone number at which that party can be reached on a twenty-four (24) hour basis;
 2. The maximum number of overnight occupants permitted to stay in each rental unit, and maximum number of daytime occupants allowed in the rental unit and on the property;
 3. Notification that failure to conform to the occupancy requirements of the rental unit is a violation of this chapter;
 4. The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 5. Applicable rules and regulations pertaining to parking;
 6. Applicable rules and regulations pertaining to dogs; and
 7. Notification that the responsible person may be cited or fined by the Town 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 any provision of this chapter.
- H. The Code Enforcement Officer shall have the authority to impose additional standard conditions applicable to all rental units, as necessary, to achieve the objectives of this law. A list of all such additional standard conditions shall be maintained and on file in the Office of the Town Clerk.

§ 147-6. Advertising.

All advertising, including advertising on reservation websites, for a short-term residential rental shall include the following:

- A. The maximum number of overnight occupants permitted to stay in each rental unit, and maximum number of daytime occupants allowed in the rental unit and on the property;
- B. Notification that occupants and/or their guests are required to comply with the Town Code; and
- C. Summary of the general rules of conduct, including statement that the Town of Athens is a residential community and any unreasonable noise or disturbances, disorderly conduct, or violations of the Town Code will not be tolerated and may result in citation, fines, and/or eviction from the rental unit.

§ 147-7. Violations and Penalties.

- A. **Criminal Prosecution.** Any person who uses, or allows the use of, property in violation of the provisions of this chapter may be issued an appearance ticket pursuant to Chapter 4 of the Town Code. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate and additional violation.
- B. **Suspension or Revocation of Rental Registration Certificate.** Upon three (3) violations in any twenty-four (24) month period, the Code Enforcement Officer may suspend or revoke the rental registration certificate for a rental unit. Suspension or revocation may, in the Code Enforcement Officer's discretion, result in an owner being ineligible to apply for a rental registration certificate for up to twelve (12) months.
- C. **Operating without Valid Rental Registration Certificate.** Operating a rental unit without a valid rental registration certificate is prohibited. Evidence of operation may include guest testimony, either oral, written, or on rental websites; rental agreements; receipts; advertising; or any other evidence deemed relevant by the Code Enforcement Officer. Operating without a valid rental registration certificate may, in the Code Enforcement Officer's discretion, result in an owner being ineligible to apply for such certificate for up to twelve (12) months.
- D. **Civil Remedies.** In the event an owner fails or refuses to correct a violation under this chapter, the Town may commence a civil action, request injunctive relief against the violation, and seek money damages to compensate the Town for the costs it has and will incur because of the violation including reasonable attorney's fees expended by the Town.

E. Other Remedies. 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 Town to address any violation of the Town Code or other public nuisance.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE.

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

