

Village of Athens
Local Law No. 3 of the year 2020

Be it enacted by the Village Board of the Village of Athens as follows:

- I. Purpose: The Village Board finds that it is in the interest of public health, safety and welfare to regulate through a permitting process the use of short-term rental lodging facilities occurring within the Village through the enactment of the following Local Law.
- II. Definitions: Below are definitions of terms utilized in this local law, as needed. If any definition herein shall be inconsistent with any other section of the Village Code and /or Zoning Law, the definition herein shall control.

Lodging Facility: Any hotel, motel, inn, bed and breakfast, dwelling, dwelling unit or other establishment providing sleeping accommodations to visitors for compensation

Short Term Rental Investment Property: A property that is not occupied by the owner and is primarily used for income generation and shall include any structure, boat, vehicle or mobile home that can be inhabited by humans. Short Term Rental Investment properties shall require a Special Use Permit.

Commercial Wedding and Party Event Venue: Homes/short term rental and or properties that host more than one (1) commercial wedding, event and/or party per year. A commercial event is defined as an event planned with the purpose of making money or where a venue is hired for a private or commercial function. These include: Private events such as a wedding, a private party, entertainment events, family reunions, conferences, shows and attractions. Short-term rental properties that are used as commercial wedding or commercial party event venues more than once a year shall require a Special Use Permit.

Special Use Permit– A permit granted or denied by the Planning Board after its review of a land use which is deemed permissible within a given zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such District as defined in the Village of Athens Zoning Law.

Visitor: A person visiting or residing in the Village of Athens for a period of less than thirty days.

Standard Short-Term Rental (SSTR): The rental or lease of any dwelling, dwelling unit or other establishment to a Visitor for a period of less than thirty days. This definition specifically excludes hotels, motels, inns, bed and breakfasts, investment properties and commercial wedding or party event venues. SSTRs shall be allowed in all zoning Districts of the Village as defined in the Village of Athens Zoning Law subject to the provisions of this local law.

Standard Short-Term Rental Local Contact Person: A person that is the contact for Standard Short-Term Rental issues. This person must live within 20 miles of the Standard Short-Term Rental he/she represents.

III. Standard Short-Term Rental Regulations:

A. No real property within the Village of Athens shall be used or rented as a Standard Short Term Rental without an annual Permit issued by the Village of Athens Code Enforcement Officer. Such Permit shall include the property owner's name, address, phone number, email address and contact person's information and the following:

1. 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.
2. Permits issued for Standard Short-Term Rentals shall be non-transferable and shall immediately expire upon any change of ownership of the premises. Any new owners must obtain a new permit prior to any rentals.
3. The maximum occupancy of the rental shall be listed on the permit based on the number of conventional bedrooms in the dwelling unit for rent.
4. A depiction of the allowed parking on the premises.
5. Every owner of an SSTR shall register for permits within 60 days of the passage of this SSTR law and renew such permit no later than January 31 of each succeeding year. 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.

B. In the event of an occurrence which requires in the discretion of the Village Code Enforcement Officer or other official charged with enforcement of local laws within the Village notification of the owner of a Standard Short-Term Rental, the owner shall receive the first contact. The owner is responsible for responding to any complaint or occurrence requiring action involving an SSTR in a timely manner. The owner is responsible for responding to the service of any legal process and all other notices. If the owner is not available or not able to take the required action in the appropriate time, the local contact person will then be contacted. The Owner may designate the local contact as the initial point of contact by written notification to the Village Code Enforcement Officer.

C. All Standard Short-Term Rentals must maintain a local contact person. The owner shall provide to the Village, at the time of Permit application and thereafter as necessary, current contact information for the local contact person, including the name, address, phone number, and email address. It shall be the responsibility of the owner to ensure that the Village always has the most current contact information for the designated local contact person.

1. The local contact person must be available for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Standard Short-Term Rental when the owner cannot be reached. The local contact person must respond promptly to any such complaints regardless of the day or time.

2. The local contact person must reside within twenty (20) miles of the Standard Short-Term rental.

D. The owner shall limit overnight occupancy of the rental unit and property to specific number of occupants, with the maximum number of overnight occupants as two (2) person within each rental unit plus an amount not to exceed two (2) person per bedroom within the rental unit. The owner shall also limit the total daytime occupancy of the rental unit and property

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

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 the manner in which this section shall be applied:

E. Noise shall not exceed the limits prescribed in the Village Code.

F. Off-Street Parking shall be in accordance with the Village Code and as specifically delineated in the Permit application and Permit.

G. All Standard Short-Term Rentals shall comply with the following fire and safety recommendations as applicable.

1. Smoke and carbon monoxide detectors must be installed and operational.

2. SSTRs must have a 911 emergency number visible from the street.

3. It is strongly recommended that SSTRs provide visitors with emergency lights, an evacuation plan with marked exits and a list of emergency numbers.

H. A copy of the Permit, emergency contact information and copies of the Village noise, garbage and other local laws designated by the Code Enforcement Office shall be prominently posted and displayed in all SSTR.

I. Commercial Wedding and Event Venues shall be permitted in all zoning districts subject to the issuance of a special use permit as that term is defined in the Athens Zoning Law.

J. Fines or penalties, when applicable, shall be in accordance with those set forth in the Village Code and applicable State or Federal laws. Failure to comply with the Village Code may result in the forfeiture of the SSTR Permit. Failure to provide up to date contact information, or the provision of inaccurate information on the permit application may result in the forfeiture of the SSTR permit.

Any person who uses, or allows the use of, property in violation of the provisions in this article may be issued an appearance ticket pursuant to Sections 250-37 through 250-40 of the Village Code.

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.

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.

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.

K. Severability

If any clause, sentence, paragraph, word, section or part of this law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

L. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State's Office.