

11. Review comments from the town and county planning boards on Local Law 7-2022. Review Full Environmental Assessment Form, Part 1, and make the findings in Part 2.

12. **2022 RESOLUTION NO. 90-2022**- Determination of Significance for Local Law 7-2022, Entitled: Repealing the Short-Term Rental Regulations in the Zoning Code of the Town of Geneva and Amending the Code of the Town of Geneva to Add a Short-Term Rental Law, new Chapter 123.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GENEVA, ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE OF LOCAL LAW NO. 7 OF 2022
RESOLUTION NO. 90-2022**

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 7 of 2022 to be a Type 1 action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on _____, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mitchell Wilber	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____ 2022

Lorrie S. Naegele, Town Clerk

13. Review comments from the town and county planning boards on Local Law 8-2022. Review Full Environmental Assessment Form, Part 1, and make the findings in Part 2

14. **RESOLUTION NO. 91-2022**- Determination of Significance for **Local Law 8-2022** Entitled: A Local Law to Repeal Local Law 6-2021, Amend a Portion of the Town Zoning Map, and Make Other Changes to the Zoning Code.

Motion _____ Second _____

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 91 -2022**

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 8 OF 2022

WHEREAS, the Town of Geneva Town Board, hereinafter referred to as Town Board, has determined Local Law No. 8 of 2022 to be a Type 1 action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on _____, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mitch Wilber	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2022

Lorrie S. Naegele, Town Clerk

15. 2022 RESOLUTION NO. 92-2022: Authorizing Adoption of Local Law 7-2022 Repealing the Short-Term Rental Regulations in the Zoning Code of the Town of Geneva and Amending the Code of the Town of Geneva to Add a Short-Term Rental Law.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK RESOLUTION OF THE TOWN BOARD
LOCAL LAW 7-2022 Add a Short Term Rental Law
RESOLUTION NO. 92--2022**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on December 13, 2022 at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law Repealing the Short-Term Rental Regulations in the Zoning Code of the Town of Geneva and Amending the Code of the Town of Geneva to Add a Short-Term Rental Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on December 1, 2022 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 13, 2022, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 7 of 2022, entitled, "Repealing the Short-Term Rental Regulations in the Zoning Code of the Town of Geneva and Amending the Code of the Town of Geneva to Add a Short-Term Rental Law", a copy of which is attached hereto as Exhibit 1 and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Geneva sign board.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on _____, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mitch Wilber	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2022

Lorrie S. Naegele, Town Clerk

16. RESOLUTION NO. 93-2022 – Authorizing Adoption of Local Law 8-2022 A Local Law Repealing Local Law 6-2021, Rezoning four parcels and Amending the Zoning Code of the Town of Geneva.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK RESOLUTION OF THE TOWN BOARD
ADOPTION OF LOCAL LAW 8-2022
RESOLUTION NO. 93--2022**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Geneva for a public hearing to be held by said Town Board on December 13, 2022 at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, to hear all interested parties on a proposed Local Law Repealing Local Law 6 of 2021 Entitled, "A Local Law to Amend a Portion of the Town of Geneva Zoning Map", Rezoning Four Parcels and Amending Chapter 165 (Zoning) of the Code of the Town of Geneva; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Geneva, on December 1, 2022, and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 13, 2022, at 6:00 p.m. at the Geneva Town Hall, 3750 County Road 6, Geneva, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Geneva, after due deliberation, finds it in the best interest of the Town of Geneva to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneva hereby adopts said Local Law No. 8 of 2022, entitled, "Repealing Local Law 6 of 2021 Entitled, "A Local Law to Amend a Portion of the Town of Geneva Zoning Map", Rezoning Four Parcels and Amending Chapter 165 (Zoning) of the Code of the Town of Geneva", a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Geneva, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law on the Town of Geneva sign board.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on _____, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Mark Venuti	_____	_____
Jeffrey Dunham	_____	_____
Robert McCarthy	_____	_____
Mark Palmieri	_____	_____
Kimberly Aliperti	_____	_____

Dated: _____, 2022

Lorrie S. Naegele, Town Clerk

17. RESOLUTION NO. 85-2022, REVISED: – Authorizing Renewal of a Bond Anticipation Note for Water District 13.

Motion made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 85-2022**

Whereas a bond resolution of the Town of Geneva for installation of water main and other facilities for Water District 13 was adopted by the Town Board on December 27, 2018, Resolution No. 109-2018, authorizing the Town of Geneva to issue bonds and notes, including Bond Anticipation Notes, to finance these improvements; and

Whereas a Bond Anticipation Note dated December 16, 2021 with the Bank of the Finger Lakes in the amount of \$148,500.00 was entered into, coming due on or about December 16, 2022, together with interest at the rate of 1.19%; and

Whereas the full amount due cannot be paid without significant cost to property owners, and it need not be paid in full and may be renewed annually with a payment against principal and the interest due; and

Whereas Resolution No. 85-2022 was approved by the town board on November 8, 2022, authorizing payment of the budgeted amount of \$3,750.00 toward principal and the interest due, but since that time the town bookkeeper has confirmed that the \$34,769.90 remaining in the account for the Water District 13 project is the property of the town and that district because the project, which was joint with other towns, has concluded and all expenses have been paid, so it can be used to reduce the district's debt, and resolution 85-2022 accordingly revised; therefore, it is

RESOLVED the Supervisor of the Town is authorized to pay the budgeted \$3,750.00, plus the remaining \$34,769.90 of project funds, totaling \$38,519.90, toward principal, and the interest due, on or about December 16, 2022, and to sign a new Bond Anticipation Note for a year with the Bank of the Finger Lakes binding the Town of Geneva for the balance due of \$109,482.00, plus interest.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the Town Board of the Town of Geneva adopted the aforementioned resolution on December 13, 2022.

Lorrie S. Naegele, Town Clerk

18. RESOLUTION NO. 94-2022 – Setting a Public Hearing for two Projects Supported by Community Development Block Grants.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 94--2022**

WHEREAS, the Town Board wishes to hear public comments relating to the Town's current Community Development Block Grant (CDBG) projects, CCMI, Inc. (Project #449ED982-21), and Real Eats America, Inc. (Project #449ED995-21), within the Town, and

WHEREAS, The CDBG program is administered by the New York State Office of Community Renewal (OCR), and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons, and

WHEREAS, OCR requires that grant recipients hold a public hearing to provide information to the public and to consider citizen comments regarding CDBG funded projects to help make determinations for the future use of CDBG funds, therefore be it

RESOLVED, that the Town Board calls for a public hearing where all interested parties shall be heard; and be it further

RESOLVED, that the public hearing shall be held on January 10, 2023, at 6:00pm at the Town Hall located at 3750 County Road 6, Geneva, New York; and be it further

RESOLVED, that at least eight (8) days' notice of such hearing shall be given by the Town Clerk by the due posting thereof in the Town Offices and on the Town's website, and by publishing such notice at least once in the official newspaper of the Town.

19. RESOLUTION NO. 95-2022 – Approving a Settlement of a Franchise Fee Dispute with Charter Communications.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 95--2022**

Whereas the town board approved a November 16, 2016 agreement with Troy & Banks Consultants LLC to audit the town's franchise fee agreement with Charter Communications and Charters payments to the town to determine if the town was being adequately paid, e.g., that Charter was including in the calculations of the amount due the town all of the properties in the town's right of way used by Charter, for which Troy & Banks would receive one-half of any amount obtained or nothing if it was unsuccessful in finding a deficiency or obtaining a payment to the town; and

Whereas on February 20, 2018 Troy & Banks issued its report to Charter showing the town had been underpaid and demanding appropriate compensation to the town; and

Whereas Charter disputed Troy & Banks's position, and the parties exchanged positions without reaching agreement; and

Whereas on January 2, 2019, Troy & Banks filed a complaint on behalf of the town with the New York State Public Service Commission seeking an order of the Commission that Charter be forced to pay the town \$31,660.00, the amount then estimated to be due the town; and

Whereas Charter opposed the town's position and offered \$5,193.48, which was rejected by Troy & Banks for the town, and on March 22, 2021, Troy & Banks advised Charter the deficiency then stood at \$52,211.00, which was rejected by Charter, which continued to offer \$5,193.48, prompting Troy & Banks on April 12, 2021 to ask the Commission for enforcement action; and

Whereas the parties continued to exchange positions over the next 18 months until Charter's attorney proposed a confidential settlement, with Charter admitting no wrongdoing, very close to the town's position on the deficiency and also agreeing to include certain revenue it had been excluding, which Troy & Banks recommends the town accept; now therefore, it is

RESOLVED the supervisor is authorized to settle the action against Charter Communications as recommended by Troy & Banks and to sign all appropriate documents in furtherance of the settlement.

20. RESOLUTION NO. 96-2022 – Authorizing purchase of an Air Sweeper for the Highway Department.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 96--2022**

Whereas the existing sweeper of the Highway Department is a 2006 model by Tymco and is starting to require extensive repairs; and

Whereas the purchase of a new sweeper has been provided for in the 2023 town budget, and the Highway Superintendent obtained three quotes for a new sweeper and has determined, although not the cheapest, that the best value for the town's needs is a new Tymco 600 BAH Air Sweeper mounted to a 2024 International MV607 chassis from J&J Equipment LLC for \$315,000.00, which is less than the \$345,000.00 that was budgeted; now therefore, it is

RESOLVED the Highway Superintendent may order the Tymco 600 BAH Air Sweeper mounted to a 2024 International MV607 chassis from J&J Equipment for \$315,000.00, for delivery in 2023 and to be paid for upon delivery, and shall consign the existing sweeper to Auction International for sale.

21. RESOLUTION NO. 97-2022 – Authorizing Reduction of Carter Road Solar Village Letter of Credit.

Motion to approve made by Councilmember _____, second by Councilmember _____.

**TOWN OF GENEVA, NEW YORK
RESOLUTION OF THE TOWN BOARD
RESOLUTION NO. 97--2022**

Whereas a Letter of Credit was required of the Solar Village Company or the entity developing the solar village off Carter Road in the amount of \$288,911.00 to cover the work to complete water and sewer extensions for the project, which was provided by the Lyons National Bank; and

Whereas the extensions have been completed except for four items: (1) third fire hydrant unit needs extension; (2) two water valves in front of lot 19 need to be lowered; (3) install fire hydrant on lot 4; and (4) install manhole frame and covers on lot 4; and the reasonable cost of this remaining work is \$17,337.23; now therefore, it is

RESOLVED the Carter Road Solar Village Letter of Credit may be reduced to \$17,337.23.

22. The town board needs to set the time for its year-end special meeting to adjust accounts and deal with any other needed business. Possible dates: Wednesday Dec. 21, Thursday Dec. 22, Tuesday Dec. 27, Wednesday Dec. 28.

23. Reports of Standing Committees

Economic Development –

Sustainability –

Kashong Conservation Area -

Communication –

Parks and Recreation –

Agricultural Enhancement –

24. Supervisor's Report:

The town's Sustainability Committee and the city's Green Committee formed the *Materials Management and Waste Working Group of Geneva* earlier this year to look at options for reducing what is landfilled. The group has issued a report, "Waste Reduction, Landfill Diversion, and Improved Materials Management, Recommendation to the Geneva City and Town Governments," that is available on the town's web site. It's a review of the status quo and forward-thinking practices with recommendations of actions to explore and pursue to help us prepare for inevitable increases in the cost of landfilling as the Ontario County landfill reaches capacity and likely closes at the end of 2028, and we move toward sustainable living.

The town has purchased the Kia 2022 EV6 Wind all wheel drive electric vehicle from West Herr for \$53,596.93, and will receive \$30,000.00 from NYSEDA in reimbursement. The code officer's existing 2017 Ford Escape will be consigned to Auction International for sale.

The NYS Department of Transportation will do a traffic study of the County Road 6 and Routes 5&20 intersection to see if a roundabout is warranted and feasible.

The supervisor and code enforcement officer met with the Geneva City Manager and other city officials to discuss the status of development in the town, city and other municipalities that use the city's waste water treatment plant and the prospect of connecting to the plant while the solid handling capacity is close to the limit. The expansion of the solid handling capacity is expected to be accomplished by late 2024, so a temporary fix using pretreatment package plants is an alternative.

Ontario County Soil and Water Conservation District technicians have developed a project to slow storm water coming down the steep slope just north of Armstrong Road with retention basins on the former Cobtree development and on property owned by Sharon Hogan; both owners have agreed to allow the installation which will reduce flooding on properties to the east and on State Route 14 during high rain events. The total cost is approximately \$20,000. The District is applying for funding from Seneca Lake Pure Waters Association and the Finger Lakes Lake Ontario Watershed Protection Alliance. The town's share will be \$5,000, which is available in the town's Stormwater Control Fund. It would be installed in 2023.

Seneca Watershed Steward Ian Smith is working on the plan he presented to the town board at its November 8 meeting for park and stormwater control amenities on the town's property on Carter Road so an application for funding for the design expenses can be made in 2023. The design is expected to cost approximately \$90,000, and the town's share would be \$15,000, which could come from both the town's Parks & Recreation Fund and the Stormwater Control Fund. It would be a 2024 project if the grant application is successful.

Selected Meetings and Activities

November 9 – County Public Safety Committee meeting

November 10 – Geneva 2030 executive board meeting

Opt-out community solar public meeting

November 15 – Town Parks and Recreation Committee meeting

November 16 – Ontario County Soil and Water Conservation District board of directors meeting

November 17 – Meeting with MRB Group reps and others on town water system improvement project

Ontario County Board of Supervisors meeting

November 18 – Paul Szmal radio show on town topics

November 28 – County Planning and Environmental Quality Committee meeting

November 29 – Meeting with city manager and consultant on town's food waste recycling grant from USDA

November 30 – County Public Safety Committee meeting

December 1 – Meeting with city officials and engineers on overcoming current sewer treatment plant limitation

December 7 – DEC recycling webinar

Town Parks and Recreation Committee meeting

December 8 – Ontario County Board of Supervisors meeting

December 13 - Geneva 2030 executive board meeting

25. Old Business.

26. New Business.

27. Privilege of the floor.

28. **Adjourn:** Motion _____

Second _____ Time _____

(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

Local Law No. 7 of the year **2022**

A local law **Repealing the Short-Term Rental Regulations in the Zoning Code of the Town of Geneva and Amending the Code of the Town of Geneva to Add a Short-Term Rental Law**

(Insert Title)

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

County

City

Town of Geneva

as follows:

Village

Section 1. Section 165-39 (Short-Term Rental Regulations) of the Zoning Code of the Town of Geneva is hereby repealed in its entirety.

Section 2. The Code of the Town of Geneva is hereby amended by adding a new Chapter 123 to read as follows:

Chapter 123

Short-Term Rentals

§ 123-1 Title

This Chapter shall be known and may be cited as the "Town of Geneva Short-Term Rental Law".

§ 123-2 Purpose

The purpose of this Chapter is to regulate the business involving the short-term rental of residential properties to ensure such rentals do not create public safety hazards nor become disruptive to the quality of life for other residents in the neighborhood where the property is located. It is the policy of the Town of Geneva to encourage stable residential neighborhoods for the health and well-being of all Town residents, businesses and guests. The Town permits short-term rentals under conditions that foster neighborhood cohesion and that attempt to keep property values affordable for owner-occupancy.

§ 123-3 Authority

This Chapter is adopted pursuant to:

1. Section 10 of the New York State Municipal Home Rule Law, which empowers the Town of Geneva Town Board to adopt local laws relating to the government, protection, order, conduct, safety, health and well-being of persons or property within the Town, and outside any village, to include the power to adopt local laws providing for the regulation or licensing of occupations or businesses, which such power includes the power to adopt a local law regulating the use of buildings for short-term rentals; and

2. Section 130 of New York State Town Law and, specifically, the police powers set forth therein in paragraph 3-a (to adopt housing code regulations), paragraph 11 (to adopt regulations preserving the peace, good order and safety), paragraph 15 (to adopt regulations promoting the public health, safety, morals and general welfare, including the protection and preservation of the property of the town and of its inhabitants) and paragraph 19 (to adopt regulations prohibiting trespass and preserving peace and good order).

§ 123.4 Definitions

For purposes of this Chapter the following words and phrases shall have the definitions and meanings set forth below:

DWELLING UNIT

A building or portion thereof providing complete kitchen and bathroom facilities for one family.

SHORT-TERM RENTAL

A dwelling unit that is rented, in whole or in part, to any person or entity for a period of 29 consecutive nights or less and meets all of the regulations, requirements and standards contained in this Chapter, as amended. "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.

§ 123.5 Presumption of dwelling unit as short-term rental property.

1. The presence of the following shall create a presumption that all or a part of the property is being used as a short-term rental:
 - A. 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 29 consecutive nights or less; and/or
 - B. All or a part of the property is offered for lease for a period of 29 days or less through any form of advertising.
2. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a short-term rental.

§123.6 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 dwelling 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. In addition to payment of the permit fee with the application, the owner or owners of the subject property shall pay to the Town in January of both the second and third year that the short-term rental permit is in effect the annual permit fee required by the Town Board. Failure to pay the annual permit fee by the end of business on January 31 of the second year and third year that the short-term rental permit is in effect shall cause the short-term rental permit to immediately terminate.
3. The short-term rental permit is not transferable when:
 - A. the owner(s) of the subject property on which the short-term rental is located change in any way from the owner(s) listed in the short-term rental permit application;
 - B. A corporation is an owner of the subject property on which the short-term rental is located and the shareholder(s) of such corporation change in any way from the shareholder(s) of such corporation listed in the short-term rental permit application;
 - C. A limited liability company is an owner of the subject property on which the short-term rental is located and the member(s) of such limited liability company change in any way from the member(s) of such limited liability company listed in the short-term rental permit application; or
 - D. A partnership is an owner of the subject property on which the short-term rental is located and the partners of such partnership change in any way from the partner(s) of such partnership listed in the short-term rental permit application.
4. A short-term rental permit shall automatically terminate when:
 - A. the owner(s) of the subject property on which the short-term rental is located change in any way from the owner(s) listed in the short-term rental permit application;
 - B. A corporation is an owner of the subject property on which the short-term rental is located and the shareholder(s) of such corporation change in any way from the shareholder(s) of such corporation listed in the short-term rental permit application;
 - C. A limited liability company is an owner of the subject property on which the short-term rental is located and the member(s) of such limited liability company change in any way from the member(s) of such limited liability company listed in the short-term rental permit application; or
 - D. A partnership is an owner of the subject property on which the short-term rental is located and the partners of such partnership change in any way from the partner(s) of such partnership listed in the short-term rental permit application.
5. If a short-term rental permit automatically terminates as a result of paragraph (4) of this section, the owners or the new owners of the subject property on which the short-term rental is located, shall apply for a short-term rental permit, submitting everything required pursuant to Section 123.6 of this Chapter, including a new permit fee for the current calendar year, even if a permit fee had already been paid for the current calendar year, and have such short-term rental permit issued to them prior to allowing any occupancy of a short-term rental.

6. If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner(s) subject to the penalties of Chapter 1, § 1-16, of the Code of the Town of Geneva, and the penalties set forth below.

§123.7 Short-term rental permit application requirements.

An application for (or renewal of) a short-term rental permit shall:

1. be submitted to the Town Code Enforcement Officer,
2. be signed by all persons and entities that have an ownership interest in the subject property on which the short-term rental is located,
3. be accompanied by payment of a permit fee, to be determined by resolution of the Town Board,
4. be accompanied by a copy of the current vesting deed showing how title to the subject property is then held,
5. state if there are any owners of the subject property on which the short-term rental is located that are an entity, including, but not limited to, a corporation, limited liability company, partnership, trust or estate, accompanied by copies of the documents:
 - A. creating such entity,
 - B. identifying the owners and/or principals of such entity; and
 - C. identifying and empowering the officers, member(s), manager(s), partners, trustee(s), executor(s) or administrator(s) thereof, as the case may be.
6. be completed on the form provided by the Town, and shall provide the following information:
 - A. A list of all of the property owners of the short-term rental, including names, addresses, telephone numbers and e-mail addresses.
 - B. If any property owner of the short-term rental is a corporation, limited liability company, partnership or any other business entity, a list of all the shareholders, members, partners or other owners, as the case may be, of such corporation, limited liability company, partnership or other business entity, including names, addresses, telephone numbers and e-mail addresses.
 - C. If any property owner of the short-term rental is other than a human person, including, but not limited to, a corporation, limited liability company, partnership, trust or estate, a list of all the directors, officers, managers, trustees, executors, administrators or other persons responsible for the management and control of such corporation, limited liability company, partnership, trust or estate, as the case may be, including names, addresses, telephone numbers and e-mail addresses.
 - D. Application certifications:
 - i. Completion of a signed statement by the property owners stating the following:
 - a. The short-term rental is in compliance with the following standards:
 - (1) There shall be one functioning smoke detector in and outside each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector per floor level.
 - (2) Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.
 - (3) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - (4) All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.
 - (5) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
 - b. The number of sleeping rooms within the short-term rental, as defined in this chapter.
 - c. The number of parking spaces on the property that meet the standards set forth in this chapter.
 - ii. Application 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 Town Code Enforcement Officer has reason to believe a new inspection is warranted, at which point the Code Enforcement Officer shall conduct an inspection to determine whether the requirements of this chapter and the Zoning Code of the Town of Geneva are being complied with. If relevant circumstances on the property change or for any reason the application or the certification that is a part of the application is or becomes inaccurate, a new certification shall be submitted.
 - E. A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need not be prepared by a professional.
 - F. If the property is served by a private septic system, a septic inspection report issued pursuant to Chapter 159 of the Code of the Town of Geneva, dated within 90 days of the date of the application, stating the size of the tank(s) and leach or

absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with Chapter 159, and the maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the New York State Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Codes, 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.

G. The name, address, telephone number and e-mail 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.

H. A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

I. Written consent for the Town Code Enforcement Officer to enter the subject property and the short-term rental for purposes of conducting all inspections called for in this section as part of the review of a short-term rental application, as part of ensuring compliance with the regulations, requirements and standards of this section and as part of the investigation of a complaint alleging a violation of this section or of a permit issued pursuant to this section.

§123.8 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 two persons per sleeping room (unless the room size is below 100 square feet). 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 the Zoning Code of the Town of Geneva, to accommodate the maximum occupancy of the dwelling unit as a short-term rental.
3. Tenants and guests shall park in the off-street parking spaces required by Article VI (Off-Street Parking and Loading) of the Zoning Code of the Town of Geneva 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 pickup time.
6. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.
7. The short-term rental shall be owner-occupied or owner-supervised. For purposes of this requirement: (a) "owner-occupied" shall mean that at least one owner in title to the lot or parcel that the short-term rental is a part of either: (i) occupies for at least seven months of each calendar year as his or her residence all or part of the dwelling unit that contains the short-term rental, or (ii) occupies for at least seven months of each calendar year as his or her residence a dwelling unit on the lot or parcel that the short-term rental is a part of, other than the short-term rental; and (b) "owner-supervised" shall mean that at least one owner in title to the lot or parcel that the short-term rental is a part of occupies for at least seven months of each calendar year as his or her residence a dwelling unit on a lot or parcel that is contiguous to or immediately across the street from the parcel containing the short-term rental. This standard requiring the short-term rental be owner-occupied or owner-supervised shall not apply to any short-term rental permit, or renewal thereof, in existence on the date the local law enacting this standard takes effect and shall only apply to short-term rental permits issued after such effective date.

§123.9 Procedure upon filing application.

1. Upon the filing with the Town Code Enforcement Officer of the permit application, containing the owner's written consent allowing the Town Code Enforcement Officer to enter the short-term rental and the lot or parcel of which the short-term rental is a part for purposes of conducting the inspections called for in this section, permit fee, and all documents and information required by this chapter, the Town Code Enforcement Officer shall:

A. Conduct an inspection of the short-term rental and the lot or parcel of which the short-term rental is a part to verify compliance with the Zoning Code of the Town of Geneva and this chapter, to verify compliance with New York State laws, codes and regulations, to verify the number of sleeping rooms within the short-term rental, as defined in this chapter, to verify the number of parking spaces on the property that meet the standards set forth in this chapter and to verify that the short-term rental complies with the following standards:

- i. There shall be one functioning smoke detector in and outside each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector per floor level.

- ii. Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.
- iii. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
- iv. All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.
- v. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

B. Have 30 days to complete the inspection required in Paragraph 1. A. of this section, to review the application, and then to 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 or she may request additional information to clarify or verify the situation. A failure to cooperate and provide accurate and complete information is grounds for denial of the permit.

3. In issuing a short-term rental permit, the Town Code Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of the Zoning Code of the Town of Geneva and the On-Site Individual Wastewater Treatment System Law of the Town of Geneva and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community.

4. The Town Code Enforcement Officer may decline an application for any of the following reasons:

A. If the application is incomplete, the documentation required by this chapter was not included with the application or the full permit fee, in payment form acceptable to the Town Clerk, was not included with the application.

B. If the Town of Geneva issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.

C. If the affidavit from the owners or, if conducted, an inspection conducted by the Town Code Enforcement Officer as authorized in this section, does not evidence that the subject property is in compliance with this chapter, the Zoning Code of the Town of Geneva or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.

D. If the site plan required to be submitted with the application does not comport with the requirements of this chapter.

E. If a private septic inspection report is required to be submitted with the application and if such report does not comport with the requirements of this chapter or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.

5. Short-term rental permits issued pursuant to this chapter shall state the following:

A. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;

B. The maximum occupancy and vehicle limits for the short-term rental unit;

C. Identification of the number of and location of parking spaces available;

D. A statement that littering is illegal;

E. A statement that all fires must be attended and in an approved location and containment;

F. A statement that guests must comply with the Noise Ordinance of the Town of Geneva, as set forth in Chapter 106 of the Town Code, as amended, which sets strict limits on noise levels between 10:00 p.m. and 7:00 a.m., which ordinance will be enforced by the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;

G. A statement that the short-term rental permit may be revoked for violations;

H. Any conditions imposed by the Town Code Enforcement Officer; and

I. That the permit shall expire on December 31 of the third year for which it is effective.

§123.10 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 or in the application changing. If, based on such changes, the Code Enforcement Officer issues an amended or a new 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 or new permit and must immediately provide a copy of the amended or new 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).

§123.11 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 and in the Code of the Town of Geneva. 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 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 chapter, 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/or

C. Revoke the short-term rental permit.

5. In addition to any other action this chapter permits the Town Code Enforcement Officer to take upon finding a violation of the permit or of this chapter, if the Town Code Enforcement Officer finds three or more violations of the permit or of this chapter within 30 days of each other, the Code Enforcement Officer shall revoke the short-term rental permit.

6. Should a permit be revoked:

A. 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; and

B. If any of the owners of the short-term rental property are a corporation, limited liability company or partnership, none of the shareholders of such corporation, members of such limited liability company or partners of such partnership, as the case may be, may obtain any short-term rental permit, either as an owner or as the shareholder, member or partner of an owner that is a corporation, limited liability company or partnership, as the case may be, sooner than one year after the date of revocation.

C. Any future application for a short-term rental permit for the same property shall be in compliance with all regulations of this section in effect at the time such application is submitted.

7. The Town may initiate enforcement proceedings under this chapter at any time following receipt of a complaint.

8. Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant to a tribunal, appointed by the Town Board, consisting of one Town Board member, one Town resident who holds a short-term rental permit, and one Town resident who does not hold a short-term rental permit. The appealing owner or complainant shall make a written request for a hearing to the Town Clerk, and the tribunal shall hear the appeal within 15 days of the request, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the tribunal shall accept evidence offered by the property owner, the complaining party, the Code Enforcement Officer and any other witness with relevant evidence. The tribunal shall make its decision within 10 days of the hearing, and may uphold the Code Enforcement Officer's decision, reject it, or modify it.

9. Any property owner found in willful violation of the provisions of this section shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

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

Local Law No. 8 of the year **2022**.

A local law **Repealing Local Law 6 of 2021 Entitled, "A Local Law to Amend a Portion of the Town of Geneva Zoning Map", Rezoning Four Parcels and Amending Chapter 165 (Zoning) of the Code of the Town of Geneva**

(Insert Title)

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

County

City

Town of Geneva

as follows:

Village

Section 1. Local Law 6 of 2021, entitled, "A Local Law to Amend a Portion of the Town of Geneva Zoning Map" is hereby repealed and 3700 County Road 6, being Tax Parcel ID No. 119.00-1-9.200, located on the west side of County Road 6 and which said parcel was partially rezoned to TC-1 Town Center Mixed-Use District by Local Law 6 of 2021, with the remainder of said parcel remaining zoned AG Agricultural District, is hereby rezoned back to R-4 Residential Medium Density District and AG Agricultural District, as currently shown on the Official Zoning Map of the Town of Geneva.

Section 2. The Official Zoning Map of the Town of Geneva, adopted pursuant to Section 165-5 of the Zoning Law of the Town of Geneva, is hereby amended as follows:

A. 3670 County Road 6, being Tax Parcel ID No. 104.00-1-6.111, and 3770 County Road 6, being Tax Parcel ID No. 119.00-1-12.100, both located on the west side of County Road 6, are rezoned in their entireties from R-4 Residential Medium Density District to TC-1 Town Center Mixed-Use District.

B. The portions of 3700 County Road 6, being Tax Parcel ID No. 119.00-1-9.200, and 3750 County Road 6, being Tax Parcel ID No. 119.00-1-9.100, both parcels being located on the west side of County Road 6, that are zoned R-4 Residential Medium Density District are rezoned to TC-1 Town Center Mixed-Use District. The portions of 3700 County Road 6, being Tax Parcel ID No. 119.00-1-9.200, and 3750 County Road 6, being Tax Parcel ID No. 119.00-1-9.100, that are zoned AG Agricultural District shall remain unchanged.

Section 3. The Town Clerk, in accordance with the provisions contained in Section 165-5 of the Zoning Law of the Town of Geneva, shall cause the Official Zoning Map of the Town of Geneva to be amended to reflect the changes made pursuant to this local law.

Section 4. Paragraph C (Permitted with site plan approval) of Section 165-12 (R-5 Residential High Density District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of a new subsection (6) to read as follows:

(6) Health care facility

Section 5. Paragraph B (Permitted uses) of Section 165-13 (TC-1 Town Center Arterial District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new subsections (19) and (20) to read as follows:

(18) Health care facility

(19) Congregate care facility

Section 6. Paragraph B (Permitted uses) of Section 165-14 (TC-2 Town Center Mixed-Use District) of the Zoning Code of the Town of Geneva is hereby amended with the insertion of new subsections (18) and (19) to read as follows:

- (19) Health care facility
- (20) Congregate care facility

Section 7. Subsection 9 of Paragraph F (Permitted accessory uses) of Section 165-15 (AG Agricultural District) of the Zoning Code of the Town of Geneva is hereby repealed and subsections 10, 11, 12 and 13 are hereby renumbered to be subsections 9, 10, 11 and 12.

Section 8. Paragraph B. of Section 165-27 (Keeping of chickens) of the Zoning Code of the Town of Geneva is hereby repealed and a new paragraph B is hereby adopted and inserted in its place to read as follows:

- B. No more than six hens shall be permitted on any single lot.

Section 9. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 10. This local law shall take effect immediately upon filing with the Secretary of State.