

**LEGAL NOTICE  
PUBLIC HEARING**

City of Oneida

**PLEASE TAKE NOTICE** that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, November 15, 2022, Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law to add short-term rental provisions to Chapter 190 of the Code of the City of Oneida titled "Zoning."

**PLEASE TAKE FURTHER NOTICE** that the complete text of the Proposed Local Law may be viewed on the City's website [www.oneidacityny.gov](http://www.oneidacityny.gov) under Legal Notices and in the City Clerk's lobby.

**PLEASE TAKE FURTHER NOTICE** that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

**PLEASE TAKE FURTHER NOTICE** that any persons with special needs should contact the City Clerk one week prior to the hearing.

CITY OF ONEIDA

PROPOSED LOCAL LAW

A LOCAL LAW ADDING SHORT-TERM RENTAL PROVISIONS

TO CHAPTER 190, ZONING, OF THE City of Oneida CODE

Section 1.

So that Chapter 190 (Zoning) of the City of Oneida Code, Section 190-5, titled "Definitions," is hereby amended by adding the following definitions:

**BED AND BREAKFAST** – A home occupation in an existing one-family dwelling operated by the permanent resident(s) of the dwelling who is also on-site and sleeping overnight within the residence while providing short-term overnight lodging to transient guests, and which offers one on-site meal served to such guests, but no other meals.

**BOARDING HOUSE** – See "Rooming House."

**BOARDER** – A person who occupies a bedroom or room as a lodging unit within a dwelling unit, boardinghouse, rooming house, or lodging house on a long-term residential basis for consideration and where meals may be provided by the owner or operator.

**DORMITORY** – A place of residence that is occupied and maintained for persons enrolled in a college, university, medical or other educational institution and which is recognized and subject to ownership or leasehold interest controls by such educational institution.

DWELLING – A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

DWELLING UNIT – A building or portion thereof containing cooking area(s), bathroom, dining, sleeping, and related facilities necessary and/or incidental to human habitation, designed and intended as a self-contained household unit for a single individual or family.

FAMILY – One person residing in a dwelling unit; two or more persons related by blood, marriage or adoption, living, sleeping, cooking, and eating in and otherwise occupying one dwelling unit as a single unit; or two or more persons not necessarily related by blood, marriage or adoption occupying a single dwelling unit as a single housekeeping unit and constituting a “functional family unit” as defined herein, which in either event shall be distinguished from two or more persons occupying a dwelling unit and simply sharing rent, utility expenses and other similar expenses of occupying the dwelling unit, and also to be distinguished from occupying a boardinghouse or rooming house.

FOSTER HOME – A facility for child care in a place of residence of a household to provide family care or training for children who are not related to the head of such home, and provided that such home is licensed or otherwise approved by [the state] for such purpose. The total number of foster children may not exceed the limits of a "family" as defined.

FUNCTIONAL FAMILY UNIT – A group of two or more persons not necessarily related by blood, marriage, or adoption, living, sleeping, cooking, and eating in and otherwise occupying one dwelling unit as a single unit and who function as a family with respect to those characteristics that are consistent with the purposes of zoning and use restrictions in residential neighborhoods.

- A. A Functional Family Unit is distinguished from two or more persons occupying a boardinghouse or rooming house.
- B. For a group of two or more unrelated persons to operate as a Functional Family Unit, they must regularly share the common dwelling areas, including dining areas, cooking areas, and social spaces.
- C. Such stability is presumed present if at least four (4) of the following conditions are met:
  - (1) The presence of one or two adults residing in the unit with either or both acting as a head of household.
  - (2) The presence of one or more minor children regularly residing in the household as a dependent(s) of one or more adult occupant(s) of the household.
  - (3) Sharing of expenses for food, rent or ownership costs, utilities, and other household expenses.
  - (4) Common use or ownership of furniture, appliances, and other household furnishings and supplies among the members of the household.

- (5) Employment of members of the household in the region, or active pursuit of such employment.
- (6) Use of the address of the dwelling by adult members of the functional family for purposes of voter registration, or driver's license, or motor vehicle registration, or state or federal income tax filings.
- (7) A showing that all members of the household have been living together as a single housekeeping unit for a year or more, whether in the current dwelling unit or in one or more other dwelling units.
- (8) Any other factor that, in the judgment of Department of Codes Enforcement, reasonably demonstrates that the group of persons are occupying the dwelling unit as a single unit in a manner consistent with the purposes of zoning and use restrictions in the Family Residential District.

D. A group of individuals living in the same dwelling unit shall be presumed not to be a Functional Family Unit, as defined in this section, if such dwelling unit contains no head of household.

**HOSTED SHORT-TERM RENTAL USE** – A short-term rental use where the owner lives and sleeps in the rented unit, or in another dwelling unit on the same or an adjacent tax parcel, throughout the short-term renter's stay, and no more than two bedrooms are rented at any one time.

**HOTEL** – A building, or any part thereof, which contains 15 or more living and sleeping accommodations for paid transient occupancy, with common exterior entrance or entrances, and which may or may not include dining facilities. The term "hotel" shall not include "motel," "inn," "bed-and- breakfast," "boardinghouse" or similar accommodations.

**INN** – A building, or any part thereof, which contains more than four and less than 15 living and sleeping accommodations for paid transient occupancy. The facility may have accessory uses such as a restaurant or a bar.

**LODGING HOUSE** – See "Rooming House."

**MOTEL** – A building or group of buildings containing 15 or more living and sleeping accommodations for paid transient occupancy, each unit of which has a separate exterior entrance and parking space, and which is used principally by motor vehicle travelers. The term "motel" shall include "motor lodge," "motor inn," "tourist cabins" or similar accommodations.

**OWNER OCCUPIED TRANSIENT OCCUPANCY LODGING** — See Hosted Short-Term Rental Use.

**PERMANENT RESIDENT** — A person who occupies a property within 60 days of purchase with the intent to establish that property as their primary residence. A permanent resident must occupy a primary residence for at least 183 days per year.

**PRINCIPAL RESIDENCE**— See "Principal Residence."

PRIMARY RESIDENCE — The permanent resident's usual place of return for housing as documented by at least three of the following: motor vehicle registration; driver's license or equivalent identification card; voter registration; or tax documents showing the residential unit as the permanent resident's residence for the purposes of a home owner's tax exemption. A person may have only one primary residence.

ROOMING HOUSE — A building, other than a hotel, fraternity, sorority, dormitory, chapter house or membership association house, where lodging with or without meals for four or more roomers or boarders or guests is provided for compensation or where lodging is provided for four or more unrelated individuals within a single dwelling unit or where lodging is provided for three or more boarders, roomers or lodgers residing with a single family in a single dwelling unit. The term "Rooming House" shall include "Boardinghouse" and "Lodging House," and shall not include accommodations used for short-term rentals. See "Short-Term Rental Use."

ROOMERS — A person who resides in a dwelling who is not a member of the Functional Family Unit that is the primary occupant of the dwelling and who pays for or performs services in exchange for such occupancy. A roomer does not include a person who has separate cooking facilities made available.

TRANSIENT OCCUPANCY — Living and / or sleeping accommodation provided for compensation and / or barter for any period of less than thirty (30) consecutive calendar days, counting any portion of a particular day as a full calendar day. Bed and Breakfasts, Motels / Hotels, Tourist Homes, and Transient Occupancy Lodging shall individually and collectively be considered types of transient occupancies. See "Short-Term Rental Use."

SHORT-TERM RENTAL USE — A tourist or transient use that has been issued a short-term rental permit. The rental by a tenant of a dwelling unit, or portion thereof, for a period of less than 30 consecutive days. "Period" includes consecutive terms of rental to the same tenant(s).

UNHOSTED SHORT-TERM RENTAL USE — A Short-Term Rental Use where the owner does not live and sleep in the rented unit, or in another dwelling unit on the same or an adjacent tax parcel, throughout the short-term renter's stay.

## Section 2.

So that Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended by adding Section 190-12(C), titled "Amortization of certain nonconforming short-term rental uses," which shall read, in its entirety, as follows:

"Amortization of certain nonconforming short-term rental uses.

Notwithstanding the other provisions of this Article III, a valid nonconforming Short-Term Rental Use existing at the effective date of adoption or amendment of §190-28(C)(16) (Short-Term Rental Uses) may continue only if and in the manner and time period specifically permitted by the Joint Zoning Board of Appeals/ Planning Commission by conditional use permit approval pursuant to §190-28(C)(16).

## Section 3.

So that Chapter 190 (Zoning) of the City of Oneida Code, Section 190 Attachment 1:1, titled "Table A: Schedule of Uses" shall be amended as follows:

"Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended to add "Dormitory" to Section 190 Attachment 1:1 titled "Table A: Schedule of Uses" to be allowable by means of a conditional use permit in Agricultural, Commercial, Downtown Commercial, Neighborhood Commercial, Community Services and R-3 Zones.

Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended to add "Boarding House/Rooming House/Lodging House" to Section 190 Attachment 1:1 titled "Table A: Schedule of Uses" to be allowable by means of a conditional use permit in Agricultural, Commercial, Downtown Commercial, Neighborhood Commercial, Community Services and R-3 Zones.

Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended to add "Hosted Short-Term Rental Use" to Section 190 Attachment 1:1 titled "Table A: Schedule of Uses" to be allowable by means of a conditional use permit in Agricultural, Commercial, Downtown Commercial, Neighborhood Commercial, Community Services, R-1, R-2, and R-3 Zones.

Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended to add "Unhosted Short-Term Rental Use" to Section 190 Attachment 1:1 titled "Table A: Schedule of Uses" to be allowable by means of a conditional use permit in Agricultural, Commercial, Downtown Commercial, Neighborhood Commercial, Community Services, and R-3 Zones.

Chapter 190 (Zoning), Article III (Application of Regulations) of the City of Oneida Code, is amended to add "Foster Home" to Section 190 Attachment 1:1 titled "Table A: Schedule of Uses" to be allowable by means of a conditional use permit in Agricultural, Commercial, Downtown Commercial, Neighborhood Commercial, Community Services, R-1, R-2, and R-3 Zones."

#### Section 4.

So that a new Section 190-26.3, titled "Short-Term Rental Uses," is hereby added to Chapter 190 of the Oneida City Code, so as to read, in its entirety, as follows:

"190-26.3. Short-Term Rental Uses.

#### Purpose and legislative intent.

The purpose of this section is to establish appropriate regulations for Short-Term Rental Uses in the City of Oneida. While the City recognizes that some property owners wish to rent to others on a short-term basis all or part of the dwelling units they own, the City also recognizes that it has an obligation to protect the public health, safety and welfare and minimize the adverse effects of such short-term rental uses.

By enacting this section, the City intends to:

- (a) Protect the health, safety and welfare of the community and of persons occupying short-term rentals;
- (b) Prevent to the greatest extent practicable public safety risks and other impacts, including, but not limited to, increased noise, trash, traffic, and parking impacts associated with short-term rental uses;

- (c) Protect neighborhood character and minimize the impact of short-term rental uses on neighbors and residential properties;
- (d) Protect property values of the community;
- (e) Protect housing affordability within the community for long-term residents, whether owners or renters;
- (f) Assist homeowners to stay in their homes by allowing some short-term rental use of their homes to generate income to defray their cost of homeownership;
- (g) Enable property owners to provide lodging for visitors to the City during periods of peak visitor and tourist demand, such as university, college graduation weekends, special events, and holiday weekends; and
- (h) Promote the efficient use of housing stock.

Applicability. This section applies to all Short-Term Rental Uses except:

- (a) Rentals of dwelling units that are owned by cooperative corporations and subject to proprietary leases under the Cooperative Corporations Law.
- (b) House sitting arrangements where a house sitter occupies an owner's principal residence while the owner is away, the house sitter provides security, maintenance and/or pet care, and the house sitter pays no money or other financial consideration to the owner in exchange for the occupancy. For the purposes of this §190-26.2 the ownership and minimum residency requirements in subsection D below must be met for a dwelling unit to be considered an owner's principal residence.
- (C) Except as prohibited by the New York Multiple Dwelling Law, a Short-Term Rental Use is permitted, subject to this section's provisions, in a primary dwelling unit or an accessory dwelling unit in all zoning districts that allow a Short-Term Rental Use as a permitted accessory use.
- (D) An owner may obtain up to two operating permits at any one time from the Department of Code Enforcement for dwelling units used for Short-Term Rental Uses, with no more than one of the two permits being for an Unhosted Short-Term Rental Use.
- (E) Provisions applicable to Hosted and Unhosted Short-Term Rental Uses.
- (F) Unhosted Short-Term Rentals will be assessed as commercial properties.

The following requirements apply to both Hosted and Unhosted Short-Term Rental Uses:

- (1) Operating permit required.
  - (a) Each dwelling unit used or offered for a Short-Term Rental Use shall require a valid operating permit issued pursuant to the City of Oneida's Chapter 61 (Fire Prevention), Oneida

Chapter 33 (Property Maintenance), and Chapter 77 (Housing Standards). Each operating permit shall specify whether it is for a Hosted or an Unhosted Short-Term Rental Use, only one such use being allowed per unit. Before the expiration or renewal of an existing operating permit, it shall be the responsibility of the owner of such unit to renew the permit through self-certification that is submitted in person or by an internet host platform to the Department of Code Enforcement that will also be filed with the City Clerk.

(b) Owners of dwelling units used or offered for Short-Term Rental Uses as of January 1, 2023, must apply by July 1, 2023 for operating permits. Owners of dwelling units that are not used or offered for Short-Term Rental Uses as of November 1, 2022, but that are subsequently used or offered for Short-Term Rental Uses, must apply for operating permits prior to such use or offer for a Short-Term Rental Use. After an operating permit is obtained, it must be maintained throughout the period that such unit is used or offered for a Short-Term Rental Use.

(c) The Code Enforcement Department shall issue an operating permit upon verification by inspection that the items listed in Subsection (i) through (xiii) below meet the requirements of the applicable New York State Uniform Fire Prevention and Building Code and the items listed in Subsection (2) below meet the requirements of the City of Oneida Code:

- i. 911 address number properly posted (with each unit posted);
- ii. Exterior structure in good repair;
- iii. Entrances, access areas, parking spaces and similar areas in good repair;
- iv. Receptacles for proper storage of garbage;
- v. Compliant pools and decks (if present);
- vi. Working smoke and carbon monoxide detectors;
- vii. Interior structure in good repair;
- viii. Fire separation (where required);
- ix. Electrical, plumbing and heating in good repair;
- x. Appliances in good repair (if supplied by landlord);
- xi. Proper light and ventilation;
- xii. Proper room sizes;
- xiii. Proper egress doors or windows;
- xiv. Compliant off-street parking, per §190-16 and this section;
- xv. Exterior property areas do not violate City of Oneida Code Chapter 33 (Property Maintenance Code).

(a) A Code Enforcement Officer/Building Inspector shall seek a search warrant from a court of competent jurisdiction whenever the owner, managing agent or occupant fails to allow inspections of any premises believed to be subject to this section and where there is a reasonable cause to believe that there is a violation of this section, City of Oneida Chapter 33 (Property Maintenance), or the New York State Uniform Fire Prevention and Building Code.

(b) Failure of an owner of any unit that is required to have an operating permit to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, or to maintain a valid operating permit after it is granted throughout the period that such unit is used or offered for Short-Term Rental Use, shall be deemed a violation of this section.

(c) Over-occupancy. Verified over-occupancy shall constitute a violation of the operating permit.

(d) A Short-Term Rental Permit may be revoked at the discretion of any Code Enforcement Official or building inspector. This action can be appealed to the City of Oneida Joint Zoning Board of Appeals/Planning Commission.

(2) Additional Hosted and Unhosted Short-Term Rental Use requirements.

(a) The following provisions in this subsection apply in all zones where Short-Term Rental Uses are allowed. The owner of any unit used for a Short-Term Rental Use shall provide enough driveway parking spaces on the parcel containing such unit so that all vehicles belonging to the short-term renters are parked on-site. Such vehicles may not park on the street.

(b) The following provisions in this subsection apply in all zones where Short-Term Rental Uses are allowed. No unit except a primary residence with a Hosted Short-Term Rental shall be subject to more than one short-term rental agreement at any one time. If the owner offers more than one unit on a parcel and/or adjacent parcel, only one unit may be rented as a Short-Term Rental Use at any one time.

(c) No unit used for a Short-Term Rental Use shall be rented for the accommodation of more individuals than two times the number of legal bedrooms in such unit.

i. No more than four occupants shall be permitted to sleep in one sleeping room, however, no room shall be used for sleeping purposes unless there is at least 100 square feet of floor space for a single occupant and 50 square feet for each additional occupant and 400 cubic feet of air space for each occupant occupying any sleeping room in said house.

ii. Each furnished apartment shall have a minimum floor area of at least 150 square feet for one occupant and an additional 100 square feet of floor area for each additional occupant and 400 cubic feet of air space for each occupant.

iii. The use of the same sleeping room or rooms by different persons for sleeping purposes by any person or persons during any twenty-four-hour period is unlawful.

iv. All bedrooms must have sufficient heat in accordance with the requirements of the local heating ordinance.

[1] If individual heating equipment is installed, such individual heating units must be approved by the Building Inspector before installation and such units must be maintained in proper working condition.



- v. Each room containing a bed or beds shall have a window area of not less than 10% of the size of the floor space. Each window shall open directly into outside air.
- vi. A basement apartment or room shall have at least 50% of the vertical height of the room above ground level.
- vii. Each furnished apartment is to have its own bathroom with a toilet, washbasin and bathtub, or shower in lieu of bathtub.
- viii. The cooking of food is prohibited in all sleeping rooms.
- xiv. Any building having furnished rooms shall have at least one bathroom, for each six persons lodged therein, located in accessible locations.
- xv. There shall be at least one bathroom on the same floor where a furnished room is located.

(d) All units used for Short-Term Rental Uses shall have prominently posted in all bedrooms in such unit a copy of the valid operating permit for such unit and a notice in a form approved by the Code Enforcement Department containing safety and legal compliance information including, but not limited to, the following: location of the nearest exit in case of a fire; limitations contained in the City's laws regarding Short-Term Rental Uses and noise; and cell phone numbers of the owner and any manager, if there is one.

(e) Collection of rental information and actions to address complaints.

[1] Every time an owner rents a unit for an Unhosted Short-Term Rental Use, prior to the beginning of the rental stay, the owner shall notify the Code Enforcement Department of the dates of the rental agreement by electronic methods established by such Department.

[2] Local contact person. Owners shall provide the Code Enforcement Department, all short-term renters and all occupants of adjacent properties with the name and contact information of a local individual who shall be available 24 hours per day, seven (7) days per week, during the term of the unhosted stay. Once this notification is given to the Code Enforcement Department and adjacent property occupants, it does not need to be given to them again until the name and/or contact information changes. The owner or designated local contact person shall:

- (i) Respond on-site within 60 minutes to complaints regarding a condition or operation of the Short-Term Rental Use or the conduct of the renters; and
- (ii) Take remedial action to resolve any and all complaints.

F. Limitations on number of days allowed for Short-Term Rental Use.

(1) Hosted Short-Term Rental Uses. There is no limit on the number of days per year that a dwelling unit may be used for a Hosted Short-Term Rental Use.

(2) Unhosted Short-Term Rental Uses.

(a) Unless allowed a greater number of days below, no unit shall be used for an Unhosted Short-Term Rental Use for more than 60 days in any calendar year in R-1, R-2, Zones. This limitation of 60 days shall not apply to any written rental agreement that existed as the adoption of this provision. For the purposes of this subsection, each of the following shall count as one day:

[1] a rental of 24 hours;

[2] a rental of less than 24 hours that includes an overnight stay;

[3] a rental of less than 24 hours that does not include an overnight stay.

(3) No unit shall be used for an Unhosted Short-Term Rental Use for more than 60 days in any calendar year in R-3, Commercial, Downtown Commercial, Light-Industrial Zones unless requested through a Conditional Use Application to the Joint Zoning Board of Appeals/Planning Commission.

G. Termination of certain legal nonconforming uses after amortization.

(1) The Zoning Board of Appeals/Planning Commission may grant conditional use approval for a Short-Term Rental Use subject to termination or a limitation on days under this subsection to continue for a stated period of time after the termination or limitation takes effect, provided that the owner applies to the Joint Zoning Board of Appeals/ Planning Commission by December 7, 2022 for such conditional use approval, and further provided that the Joint Zoning Board of Appeals/ Planning Commission finds that:

(a) The owner demonstrates that the Short-Term Rental Use is a legal nonconforming use; and

(b) The owner demonstrates through competent dollars-and-cents proof that prior to November 1, 2022, they made substantial financial expenditures unique to the Short-Term Rental Use; and

(c) The owner provides documentation of their total receipts from short-term rentals and expected revenue through the date of termination or limitation; and

(d) The owner demonstrates that they have not recovered substantially all of the financial expenditures related to the Short-Term Rental Use; and

(e) The owner demonstrates that they cannot obtain a reasonable return on their investment unique to the Short-Term Rental Use if the property is used for any other purpose permitted within the zoning district and that the lack of a reasonable return is due solely to the termination or limitation on short-term rental days and not other market forces; and

(f) The extension period granted by the Joint Zoning Board of Appeals/ Planning Commission is the minimum extension period necessary to mitigate the demonstrated loss of a reasonable return.

(2) The criteria for granting such special approval shall be as set forth above rather than the normal criteria in Article V for granting a conditional use approval.

H. Order to remedy; operating permit suspension and revocation.

(1) Whenever the Code Enforcement Officer finds that there has been a violation of this section, the Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity in violation of this section.

(2) An order to remedy shall be in writing; identify the property or premises; specify the condition or activity that violates this section; shall specify the provisions of this section that are violated by the specified condition or activity; shall include a statement that the violations must be corrected within 30 days after the date of the order to remedy; may direct the person served with the order to begin to remedy the violation(s) immediately or within some other stated period of time that can be less than 30 days after the date of the order; direct that compliance is achieved within the specified period of time; and shall state that an action or proceeding to compel compliance and/or seek penalties, fines and/or imprisonment may be instituted if compliance is not achieved within the specified period of time.

(3) The order to remedy, or a copy thereof, may be served within five (5) days after the date of the order to remedy by personal service, by mailing by registered or certified mail sent to the address set forth in the application for any permit submitted to the City or to the property address, or by posting a copy thereof on the premises that are the subject of the order to remedy and mailing a copy, enclosed in a prepaid wrapper, addressed to the last known address of the owner as set forth in the City of Oneida records, or if none, in the most recent tax roll available to the City of Oneida.

(4) In case the owner, operator, or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the order to remedy, a request to take appropriate legal action may be made to the Attorney for the City of Oneida, and/or the Code Enforcement Officer may initiate the process to suspend or revoke an operating permit, if the suspension/revocation process has not already been instituted.

(5) Suspension and revocation of operating permit.

(a) An operating permit may be suspended or revoked pursuant to City of Oneida Code Chapter 33 (Building Code Administration and Enforcement) and/ Chapter 61 (Fire Prevention). In addition to the reasons for suspension and revocation in that section, an operating permit may be suspended or revoked if the owner of a dwelling unit used or offered for Short-Term Rental Use fails to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, to maintain a valid operating

permit after it is granted throughout the period that such unit is used or offered for a Short-Term Rental Use, or to otherwise comply with this section.

(b) To initiate the process to suspend or revoke an operating permit, the Code Enforcement Officer shall issue a notice of intent to suspend or revoke the operating permit. The notice of intent to suspend or revoke shall describe the violation and require the operating permit holder to immediately correct the violation or cause the violation to be corrected.

(c) The notice of intent shall be provided to the operating permit holder by personal service, by registered or certified mail to the address submitted with the permit application, or by posting on the premises at issue.

(d) If the operating permit holder fails to immediately correct the violation or cause the violation to be corrected, the Code Enforcement Officer shall suspend or revoke the permit.

(e) An operating permit holder shall be entitled to request a hearing on suspension or revocation before the Joint Zoning Board of Appeals/Planning Commission, upon application made to the Code Enforcement Department demonstrating that the operating permit holder was not in violation. Such hearing shall be requested, in writing, with the request addressed to and received by the Code Enforcement Officer within five business days of the permit holder's receipt of the notice of intent or of posting, whichever occurs earlier.

(f) An application for an interpretation appealing the Code Enforcement Officer Determination to the Joint Zoning Board of Appeals/Planning Commission shall be administered by the Director of Planning and Development. Any suspension or revocation remains in effect unless modified by the Joint Zoning Board of Appeals/Planning Commission. Within 30 days of the permit holder's written request, the Joint Zoning Board of Appeals/Planning Commission shall hold a hearing to determine whether to reverse the suspension or revocation. The Joint Zoning Board of Appeals/Planning Commission shall issue its written decision within 15 days after the hearing.

(f) The owner of a dwelling unit for which a Short-Term Rental operating permit has been revoked for the first time may not reapply for a new operating permit until one year after such revocation.

(g) The owner of a dwelling unit for which a Short-Term Rental operating permit has been revoked at least once before may not reapply for a new operating permit until five years after such revocation."

#### Section 5. Validity and severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 6.                      Effective date.

This local law shall be effective upon filing with the office of the Secretary of State.