

## **Short-Term Rental Units**

### **A. Purpose**

The purpose of this Code is to regulate the Short-Term Rental of dwelling units within the Village of Lewiston, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The Village seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of predominantly owner-occupied neighborhoods.

### **B. Definitions**

Code Enforcement Officers – the Code Enforcement Officers of the Department of Code Enforcement of the Village of Lewiston, or their designee.

Local Contact - the Owner's representative who is the point of contact for any guest(s) for the duration of the guest(s) stay in the Short-Term Rental.

Owner - any person, partnership, business, corporation or other entity that has an ownership interest in the subject property.

Platform - a reservation and/or payment service provided by a person or entity that facilitates a Short-Term Rental transaction between a Short-Term Rental operator and a prospective Short-Term Rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the Short-Term Rental transaction.

Short-Term Rental - also referred to as Vacation Rental and or Transient Rental, is a non-owner occupied dwelling unit consisting of a detached single-family residential structure or a dwelling unit in a two-family residential structure (duplex) that is rented as a whole unit and under a single booking for a period of less than 30 days.

Special Permit – an authorization issued by the Code Enforcement Officer for a particular land use permitted by the Village Zoning Ordinance, which is subject to the requirements imposed by Village code to ensure that the proposed use is in harmony with said Zoning Ordinance and will not adversely affect the surrounding community if such requirements are met.

### **C. Short Term Rental Standards**

Special permits are a privilege not a right that is subject to revocation. For Short Term Rentals which require a Special Permit, the following conditions shall be required and cannot be waived:

1. It is unlawful for any person to operate a Short-Term Rental within the Village of Lewiston without first obtaining a Special Permit issued by the Village Board of Trustees as set forth in this Code below. Subsequent to the issuance of a Special Permit, the Owner of a Short-Term Rental must also obtain a Short-Term Rental operator license, issued by the Department of Code Enforcement.
2. Only the Owner of record (not a renter or lessee) is eligible to apply for a Special Permit.
3. Special permits for Short-Term Rentals are non-transferable; any change in ownership requires a new Special Permit and licensing.
4. The Short-Term Rental must be Owner-managed and operated or managed by a local manager.
5. Short-Term Rentals shall only be permitted on properties that comply with all the requirements contained in this Code.
6. Short-Term Rentals are not permitted in a multi-unit (three or more) residential structure.

7. The dwelling unit must be rented in its entirety and not as separate rooms.
8. A Short-Term Rental may only be used for overnight accommodations and shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.
9. Only structures approved for residential use under the New York State Building Code are to be covered by a Special Permit. Mobile homes, RVs, travel trailers, yards, sheds, garages, vehicles, tents, yurts and similar non-permanent structures are prohibited from use as a Short-Term Rental.
10. No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.
11. A Short-Term Rental shall comply with all residential property requirements contained in the Village of Lewiston Codified Ordinances. The Owner shall include trash/recycling containers, the trash services collection schedule and instructions for proper trash disposal within the rental rules provided to each renter.
12. Exterior signs identifying the property as a Short-Term Rental are permitted by permit only.

D. **Permitted Area** (Map to be insert at later date) See attached

#### E. **Special Permit Requirements**

The Owner of a Short-Term Rental unit must first apply for and obtain a Special Permit, issued by the Village Board of Trustees, prior to operating. As part of the application process under this Code, the following information must be submitted to the Department of Code Enforcement:

1. Completed application, together with all applicable fees, payable to "Village of Lewiston." (Appendix 1 see attached)
2. An inspection report to be completed, signed and approved by Code Enforcement Officer as well as Fire Inspector showing that the rental unit is compliant with all applicable state and local building and safety codes and regulations; (Appendix 2 see attached)
3. An Emergency Evaluation Route interior floor plan of the entire residential unit; (Appendix 3 see attached)
4. Proof of general liability coverage insurance appropriate to cover the Short-Term Rental use in the aggregate of not less than \$1,000,000 (\$1M Umbrella Policy) or conduct each Short-Term Rental transaction through a Platform that provides equal or greater insurance coverage. The Village of Lewiston, will be listed on the insurance certificate as "Certificate Holder".
5. Health and Safety Requirements:
  - a. All Short-Term dwelling units shall provide working fire extinguishers and NYS Fire Code compliant smoke and carbon monoxide detector/alarms,
  - b. No sleeping rooms shall be located above the second story or basement unless basement area has been approved by inspector.
  - c. A "Emergency Evaluation Route" shall be affixed to the occupied/interior side of the entrance door of each bedroom, indicating:
    1. Means of egress from each room within the dwelling;
    2. Location of means for transmitting fire alarms, if any; and

3. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

#### **F. License – Application; Renewal and Fees**

In addition to the requirements contained in Section “E” above, the Owner of a Short-Term Rental unit must also possess a current and valid Short-Term Rental License, issued by the Code Enforcement Officer, prior to operation.

1. Application: Short-Term Rental licenses may be obtained by filing an application with the Code Enforcement Officer. The Short-Term Rental license application shall be signed by all persons and entities that have an Ownership interest in the subject property, shall be accompanied by payment of the annual permit fee and shall be completed on the form provided and established by the Village Clerk, and shall, at a minimum, provide the following information:
  - a. The name, address, phone number, and email contact information of the Owner(s).
  - b. The address of the Dwelling Unit associated with the Short-Term Rental
  - c. A signed attestation by the Owner providing that:
    1. The Dwelling Unit complies and will continue to comply with all standards contained in this Code, the Village Zoning Ordinance and all other applicable laws, standards and regulations.
    2. The Owner has read, understands, and agrees to comply with all legal duties imposed by this Code and the Village Zoning Ordinance.
    3. Designation by the Owner of a registered local contact/emergency contact who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints.
    4. The Owner will notify all property owners within 200 feet of the subject premises that the property is to be used as a Short-Term Rental. Also, emergency contact/local contact information will be provided to neighboring properties.

#### **2. Procedure upon filing Application:**

1. Upon the filing the License application, License fee, and all documents and information required by this section, the Code Enforcement Officer shall review the application and then either issue the License, with or without conditions, or notify the Owner in writing that the application has been denied along with the reason for the denial. If a License is issued, the License shall bear the signature of the Code Enforcement Officer.
2. In reviewing the application, the Code Enforcement Officer will inspect the Short-Term Rental property for purposes of ensuring compliance with this Code. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to issue the License, with or without conditions, or to not issue the License.
3. In issuing a Short-Term Rental License, the 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 Village Zoning Ordinance, including this Code, and are imposed for the purpose of minimizing any adverse impact the issuance of the Short-Term Rental License may have on the neighborhood or community.
4. The Code Enforcement Officer may decline an application for any of the following reasons:

- a. The application is incomplete; the documentation required by this Code was not included with the application, and/or; the full License fee, in an acceptable form of payment, was not included with the application.
- b. The Code Enforcement Officer previously issued a Short-Term Rental License to any of the owner needing to sign the Short-Term Rental License application and such owner had a Short-Term Rental License revoked within the previous year.
- c. The attestation provided by the Owner evidences that the subject property is not in compliance with this Code, the Village Zoning Ordinance or any other applicable law, standard and/or regulation.
- d. The inspection conducted by the Code Enforcement Officer authorized in this Code indicates that the subject property is not in compliance with this Code, the Village Zoning Ordinance or any other applicable law, standard and/or regulation.

### 3. License Renewal:

Renewals shall be obtained in the same or substantially similar form and manner as the initial license, and shall also require the following information to be submitted to the Code Enforcement Officer at least 30 days prior to the expiration of the Short-Term Rental License:

1. The Owner's Short-Term Rental License has not been revoked in the previous year.
2. Updated contact information, if applicable.
3. Acknowledgement that the Owner is responsible for each and every occupant's compliance with the Village of Lewiston's Codified Ordinances while they are on the property.
4. Acknowledging that the Owner agrees to indemnify and defend the Village against any third-party claims based upon the veracity of the foregoing statements
5. Copy of the advertised Short-Term Listing

### 4. Annual License Fee:

An applicant who receives a Special Permit, shall be issued a Short-Term Rental License, valid for one year from date of issuance. The Owner of a dwelling unit shall comply with the requirement of Subsection (3) above and shall remit an annual renewal fee.

### 5. Application Process for Reoccurring Special Permit Holders:

Any Owner possessing a current and valid Special Permit, issued pursuant to this Code, must apply for a Short Term Rental License as set forth in Section "F"(1) above within ninety 90 days from the effective date of this Code. Any Owner that fails to apply within time period set forth herein shall not be permitted to operate a Short-Term Rental. Owners that timely apply for a Short-Term Rental License shall be permitted to operate until the Code Enforcement Officer either approves or denies the application. The Owner of a dwelling unit shall comply with the requirement set forth in Subsection (3) above and shall remit an annual renewal fee.

### **G. Occupancy**

1. Overnight occupancy of the Short-Term Rental unit shall be determined upon inspection.
2. The Owner shall maintain a guest registry identifying the names and addresses of adult guest(s), as well as the arrival and departure dates for each adult guest.
3. The guest registry shall be made available any of the various departments of the Village of Lewiston, NY, upon request.

## H. Owner/Tenant Responsibilities

1. The Owner of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities.

2. The Owner of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including Village parking standards.

3. The Owner must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.

4. With respect to the dwelling unit which the tenant occupies, controls or uses, the Owner shall be responsible for the following standards:

a. Occupancy limitations and the lawful use of a dwelling unit;

b. Maintenance of the dwelling unit/property in a clean, safe and sanitary condition per Village of Lewiston Codified Ordinances.

c. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;

d. Keeping exits in the dwelling unit free and clear of obstacles and debris.

e. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner. Renters must abide by all Village leash laws as well as pet waste clean-up laws.

f. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant parking codes contained in per the Village of Lewiston Codified Ordinances. In addition, occupants and visitors shall park motor vehicles only on-site (if the property is designed to accommodate on-site parking) or off-site where parking adjacent to the property is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental unit.

g. Ensuring that all occupants of the dwelling unit refrain from making any disturbing or excessive noise between the hours of 10 p.m. and 7 a.m. (weekdays) 11 p.m. and 7 a.m. (weekends) which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental unit shall be required to prominently display a notice in the backyard and/or pool area that indicates that unreasonable noise is prohibited under the Codified Ordinances of the Village of Lewiston.

5. Compliance with Other Laws:

The Owner shall ensure that any Short-Term Rental fully complies with the provisions of this Code, the Village Zoning Ordinance, and all other applicable laws.

I. Violations - Penalties and Enforcement:

a. Any Special Permit and/or License issued pursuant to this Code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances.

b. The Code Enforcement Officer or his designee shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.

c. Inspection Fee. Every property Owner shall pay a fee, subject to the to be assessed against the property, per Village Code 1-9 (General Provision– Section 1-7 General Penalty; Continuing violations) for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found.

d. In the event that the Code Enforcement Officer determines that a violation exists, it shall inform the Owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed ten (10) days, to remedy all existing violations or show cause for delay, which may only be granted once, to be determined by the Code Enforcement Officer, for a time period not to exceed fourteen days (14) days.

#### 6. Failure to remedy violations

1. Following the expiration of the time period set forth in Section “I” (4) above, the Owner of the Short-Term Rental unit shall be guilty of a violation and such License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension, the Short-Term Rental unit Special Permit shall be considered guilty of a second violation and be subject to violation fines.

2. The Owner of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to suspended remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation and subject to violation fines.

3. The Owner of the Short-Term Rental guilty of a third violation shall be immediately revoked for that Owner and location.

#### 7. Non-Permitted/Licensed Operation:

No person shall operate a Short-Term Rental unit without a current Special Permit and/or License issued pursuant to this Code. In the event that the Code Enforcement Officer determines that a violation of this subsection exists, it shall inform the Operator by written correspondence, hand delivered or sent via first class mail to the address of the property in question. The Operator will be given seventy-two (72) hours to cease operating the subject property as a Short-Term Rental unit. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, the Operator shall be in violation of this Code and be subject to the penalties.

#### **J. Severability**

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the final decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Village Board declares that it would have adopted this Code, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that anyone or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

Appendix 1 (Application)

**Village of Lewiston – Short Term Rental Unit Application**

Property – SBL number \_\_\_\_\_

Date of Application \_\_\_\_\_

**General Information**

Owner (s)Name \_\_\_\_\_

Owner (s) Address \_\_\_\_\_

Owner (s)Cell Phone \_\_\_\_\_

Owner (s)Email \_\_\_\_\_

Copy of Government Issued Identification – please attach

**Rental Property information**

Street Address \_\_\_\_\_

# Bedrooms \_\_\_\_\_ # Baths \_\_\_\_\_ Max # of Vehicles \_\_\_\_\_

Maximum number of occupant's \_\_\_\_\_

Emergency contact and or local manager contact:

Name \_\_\_\_\_ Cell Phone \_\_\_\_\_

Address \_\_\_\_\_

**Property Management Information (if we allow this)**

Are you using a rental or property management company or Platform Y \_\_\_ N \_\_\_

Name of Management Company \_\_\_\_\_

Responsible Party Name \_\_\_\_\_

Address \_\_\_\_\_

Contact Phone \_\_\_\_\_ Email \_\_\_\_\_

Affidavit (signature required) I declare under penalty of perjury in the second degree that the statements made on this form are true and complete to the best of my knowledge. I have read and understand the Village of Lewiston Short-Term Rental Code and Regulations.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix 2 (Short Term Rental Checklist)

### Short Term Rental Checklist

Owner signature required – attach to application

- Street address visible from outside, street side \_\_\_\_\_
  - All Emergency egress routes compliant \_\_\_\_\_
- Life safety systems have been serviced in the last 12 months \_\_\_\_\_
- Combustibles are not too close to baseboard heaters \_\_\_\_\_
  - Fire extinguishers(s) in place for guest(s) use \_\_\_\_\_
- Fire extinguishers are visible, mounted and receiving annual servicing/inspections. If not visible location, door to extinguishers shall be labeled \_\_\_\_\_
- CO alarm (s) and locations please list \_\_\_\_\_
- Smoke alarms in proper location, please list: \_\_\_\_\_
  - Age of smoke alarm \_\_\_\_\_
  - Backup battery if hardwired in working order \_\_\_\_\_
  - Guests have access to electrical panels – no lockouts \_\_\_\_\_
- Fire safety and evacuation plans detailing primary and secondary egress, location of fire extinguishers \_\_\_\_\_
  - List number of on property parking spaces available \_\_\_\_\_
    - Maximum number of occupants: \_\_\_\_\_

Signature of owner (or inspector) \_\_\_\_\_ Date: \_\_\_\_\_

Code Enforcement Officer \_\_\_\_\_ Date: \_\_\_\_\_