

## ***Local Law No. 2 of 2024***

### **Title**

A Local Law amending the Code of the Village of Sloan by adding Article IX to Chapter 455 (Zoning) entitled “Short-Term Rentals” of the Code of the Village of Sloan.

### **§455-51 Purpose**

Over the past several years there has been an emergence of property owners allowing their properties to be rented on a short-term basis. Many residents list their properties as short-term rentals on web-based booking sites such as Airbnb and VRBO. These types of rentals are commonly referred to as “Short-Term Rentals” or “STR”. STRs offer many benefits to property owners and residents in the Village of Sloan such as increased income which allows these property owners to defray the cost of housing and to remain in the Sloan Community with the ability to age in place. The STRs also potentially provide lodging for visitors and their guests to the Village and surrounding areas. While the Village of Sloan recognizes these benefits, STRs also have the potential to create health, safety and quality of life issues in the community. The purpose of this local law is to regulate the safety and use of STRs and to further ensure that these STRs satisfy the requirements of the New York State Uniform Fire Prevention and Building Code as well as the Zoning Regulation within the Village of Sloan. Further, the Village Board specifically finds that STRs, if unregulated can be incompatible with the intent of the Village Zoning Regulations and also further impact adversely the residential community character as well as neighborhood safety. Thus, this Local Law seeks to maintain housing choices for permanent residents by prohibiting the use of STRs in certain Zoning Districts that are identified with specificity in the regulations being adopted pursuant to this Local Law. This Local Law further imposes mandatory regulations and requirements on all Village of Sloan property owners that desire to rent their property on a short-term transient basis. The purpose of such regulations and requirements are to ensure that the property being rented meets certain safety and regulatory requirements. To accomplish this purpose, this Local Law provides for the scheduled periodic registration and inspection of all STRs properties for the purposes of regulating the living and safety conditions of the STRs and for maintaining an inventory of available STR housing in the Village.

### **§455-52 Definitions**

#### **A. Short-Term Rental Property**

Any housing unit or room which are occupied by persons other than the owner or his immediate family for which a fee compensation, monetary or otherwise is received by the owner in exchange for such occupancy for a period of less than thirty (30) days and further, includes hosted Bed and Breakfast Accommodations. Month to Month tenancies, hotels or motels are not considered Short-Term Rentals.

#### **B. Landlord**

Any property owner or designated agent who offers a housing unit for Short-Term Rental to persons other than members of his/her immediate family for a fee or compensation.

**C. Immediate Family**

The immediate family of the owner of the housing unit consisting of the owner's spouse, children, parents, grandparents or grandchildren.

**D. Resident Agent**

A representative of a property owner or landlord who resides within the designated boundaries of Erie County as defined at the time of property registration. All resident agents must not be a corporation, limited liability company or other similar entities.

**E. Host**

A property owner or Resident Agent that lives on-site of a Short-Term Rental location.

**F. Code Enforcement Officer**

A duly appointed Code Enforcement Officer of the Village of Sloan authorized to enforce the Uniform Fire Prevention and Building Code of New York State and the Code of the Village of Sloan.

**G. Housing Unit**

Any single residential living space which is capable of housing one separate household unit which contains one or more rooms with provisions for cooking, living, lavatory and sleeping facilities for the use of one family.

**H. Room**

A sleeping space in a building enclosed by partitions with a door to ensure privacy and security.

**I. Locations of Short-Term Rentals**

Short-term rentals shall be placed within RC, M1 and M2 Zoning Districts only, and one short-term rental per building or structure within these designated Zoning Districts.

**J. Number of Short-Term Rentals**

There shall be only ten (10) short-term rentals to be placed within the incorporated Village of Sloan at any one time.

**K. Year**

For the purposes of this Section, Year shall mean calendar year.

**L. Registration**

An official log of all Short-Term Rental Permits approved and issued by the Village of Sloan.

**§455-53 Regulation of Short-Term Rental Property**

- A. Short-Term Rentals are only permitted in the following Zoning Districts: RC, M1 and M2
- B. A maximum of ten (10) STR Permits per calendar year will be issued Village-wide.
- C. All Short-Term Rental Applications for a STR Permit must be submitted a minimum of sixty (60) days prior to the start of business or renewal of an existing STR Permit. Upon receipt of an application, the building department shall contact the applicant for purposes of arranging

the inspection required by this Section of the Code. Failure to permit said inspection to occur shall result in the Short-Term Rental Application and STR Permit being denied.

- D. The building department shall have up to sixty (60) days to review and either approve or deny an STR Application, which sixty (60) day period shall be measured to being as the first business day after receipt of the Short-Term Rental Application.
- E. All short-term rentals permitted by this Section shall be inspected by the building department annually.
- F. Once issued, an STR Permit is not transferrable.
- G. All animals allowed at the STR property must abide by Village Code Chapter 167 and further, not be unattended at any time.
- H. A short-term rental may not be rented for any other purpose, commercial or otherwise as a space of public assembly.
- I. The maximum occupancy of an STR Room shall be two adults and two children under the age of eighteen. The maximum occupancy of a Dwelling Unit shall be two persons per bedroom located within the unit plus two additional persons. For example, a STR Dwelling Unit of three (3) bedrooms is allowed eight (8) occupants.
- J. No illegal conduct shall be carried on at the short-term rental property by the property owner, resident agent, any short-term rental tenants, guests or invitees.
- K. The inside of each Room or Dwelling Unit door must be posted with an emergency egress and escape route map of the property.
- L. The Landlord or Resident Agent must provide their emergency contact information to the immediate neighbors. Immediate neighbors shall be determined by the Village.
- M. A tenant of the short-term rental is prohibited from subleasing or other letting use or occupancy of any portion of the short-term rental property.
- N. The Property owner and/or resident agent shall make all tenants aware of the Village's noise and parking codes. Any conduct in conflict with these codes or which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood or which creates a public nuisance is prohibited. Quiet hours must be observed from 10:00pm until 8:00am.
- O. All trash and recyclables shall be stored and disposed of according to Village Code Chapter 383.

#### **§455-54 Registration of Short-Term Rental Property**

- A. It shall be a violation of this Chapter to offer or engage in short-term rentals unless the

short-term rental property has obtained a STR Permit obtained from the Village Building Department as provided in this Section.

- B. A Short-Term Rental Application must be completed on a form promulgated by the Building Department in accordance with the provisions of this Section. Such form shall contain a minimum of the following information:
- (1) The name, address, telephone number and email address of the record owner of the short-term rental property and any resident agency they may designate. Any owner or designated Resident Agent must be physically located within a 30-minute drive to the short-term rental in the event the need should arise for said agent to be contacted by the Village Building Department;
  - (2) No more than the maximum number of guests indicated in the permit shall be allowed in the short-term rental;
  - (3) Only one short-term rental permit shall be allowed per parcel. Property owners who have more than one approved dwelling unit on the property may rent up to two units as short-term rental under one permit; if available after the first round of permitting;
  - (4) The street address and Tax Map Number of the short-term rental property;
  - (5) The total number of bedrooms and bathrooms in short-term rental property and number to be offered for rent if different from the total;
  - (6) Applicable overnight and daytime occupancy limit of the short-term rental.
- C. Upon submission of the STR Application and fee, the property owner or designated agent shall schedule with the Code Enforcement Officer an inspection of the short-term rental property. The Code Enforcement Officer shall conduct an inspection of the short-term rental property to determine if it complies with the Village Code and all applicable Uniform Fire Prevention and Building Codes of NYS and to verify the occupancy limits of the structure. Payment by the property owner of the STR Application fee will be as prescribed in the Village's schedule of fees.
- D. Upon completion of an inspection of the short-term rental property and ascertain in that the property meets all applicable requirements and Codes, the Code Enforcement Officer shall issue a STR Permit for the property as a registered short-term rental. Payment by the property owner of the STR Permit fee will be as prescribed in the Village's schedule of fees.
- E. An STR Permit for short-term rentals shall remain in effect as long as there is no change in the record owner of the short-term rental property but must be renewed annually. A Short-Term Rental Permit may not be transferred to any other person or property, or used by anyone other than the person to whom it was issued. Upon a change in ownership, the new owners of the short-term rental property shall be required to submit an STR Application and, upon approval by the Code Enforcement Officer, shall be issued a STR Permit and be registered as an STR in the Village of Sloan. The unit(s) may not be rented until a new STR Permit has been approved for the new owner.

- F. In the event that there is a change in the information provided by the property owner in his/her application for a short-term rental, he or she shall advise the Village Building Department in writing of such change no later than forty-eight (48) hours after such occurrence. Failure to advise the Building Department or Village Clerk of a change in the information provided by the property owner in his application shall constitute a violation of this Chapter.

#### **§455-55 Suspension or Revocation of Short-Term Rental Rights**

- A. It is the responsibility of the property owner to comply with all terms and provisions of this Article and to ensure that short-term rental tenants, guests, and invitees comply with this Article and terms and conditions of the short-term rental permit. Any failure of short-term rental tenants, guests and invitees to comply with this Article and the terms and conditions of a short-term rental permit shall be attributed to the failure of the property owner to discharge his or her responsibility to ensure such compliance.
- B. Upon receipt of a complaint or upon his own initiative, the Code Enforcement Officer may investigate any property for failure to comply with the terms of this Article. Three noise violations during the STR Permit period will result in the revocation of the STR Permit.
- C. If upon investigation, the Code Enforcement Officer determines that a violation of this Chapter and/or terms and conditions of the short-term rental permit has occurred on a short-term rental property, he shall issue a written notice of the violation to the property owner and shall provide a copy of same to the Village Board.
- D. The Code Enforcement Officer may also issue a notice of suspension if it is determined any of the information contained within the permit application is false or if the short-term rental property is found at any time to be in violation of the Uniform Fire Prevention and Building Codes of NYS or other aspect of the Village Code.
- E. Revocation and suspension notices shall be in writing, shall identify the property, shall specify the violation or remedial action to be taken and shall provide that said violation must be corrected within ten (10) days from the date of said violation notice unless otherwise extended by the Code Enforcement Officer. The property owner or resident agent shall take the remedial action prescribed or may file a written notice of appeal received by hand delivery or mail by the end of the identified period of remediation. The revocation or suspension of the short-term rental shall be stayed pending either a decision on the appeal by the Village Board or a finding by the Code Enforcement Officer that a remedial action is acceptable to correct the violation.

#### **§455-56 Fees for Registration and Issuance of Permits**

The Village Board shall set application and permit fees as it may find appropriate for short-term rentals by resolution and such fees shall be listed in the Village's Schedule of Fees.

#### **§455-57 Penalties for Offense**

- A. Violations of this Article will constitute a municipal violation and will be subject to applicable penalties under this Article. The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and/or New York State Uniform Fire Prevention and Building Code.
- B. Conviction of a violation of the provisions of this Article shall be punishable by a fine of not more than \$250.00 per violation per day for the first occurrence and \$500.00 per violation per day for subsequent offenses; and revocation of the Short-Term Rental Permit for a period not to exceed three years.
- C. If any fine is not paid in the time established by the Court, it shall become a lien against the real property which was found in violation of this Chapter and may be assessed and levied against such real property and collected in the same manner as real property taxes.
- D. The imposition of penalties herein prescribed shall not preclude the Village or any other person from instituting appropriate legal action or proceeding to prevent unlawful short-term rental of property in violation of this Article, including, without limitation, civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of buildings, land or premises.

#### **§455-58 Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

#### **§455-59 Effective Date**

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