

CHAPTER 24
CODE OF THE VILLAGE OF LAKEWOOD, N.Y.

§ 24-1 **SHORT TERM RENTAL REGULATIONS.**

- A. This section applies to a short-term rental use that:
 - (1) is rented for periods of less than 30 consecutive days;
 - (2) is not part of a multifamily use; or
 - (3) is not occupied by the owner as a primary residence;
 - (4) is rented for not less than seven (7) consecutive days.

- B. A short-term rental use under this section may not:
 - (1) include the rental of less than an entire dwelling unit;
 - (2) operate without a license as required by Section 24-5;
 - (3) operate without providing notification to renters as required by Section 24-3 (B)

§ 24-2 **LICENSE REQUIREMENTS.**

- A. To obtain a license, the owner of a short-term rental use must submit an application on a form provided for that purpose by the Village Clerk. The application must include the following:
 - (1) a fee established by separate ordinance;
 - (2) the name, street address, mailing address and telephone number of the owner of the property;
 - (3) the name, street address, mailing address and telephone number of a local responsible contact for the property;
 - (4) the street address of the short-term rental use;
 - (5) proof of property insurance;
 - (6) statement of payment of county bed taxes due as of the date of submission of the application; and
 - (7) any other information requested by the Village Clerk.

- B. The Village Clerk shall issue a license under this section if:
 - (1) the application includes all information required under this section;
 - (2) the proposed short-term rental use complies with the requirements of Chapter 24 of the village code;
 - (3) the structure has a valid certificate of occupancy or compliance;
 - (4) the structure has been determined by the Code Enforcement Officer not to pose a hazard to life, health or public safety, based on a minimum life-safety inspection;
 - (5) is approved by a resolution by the Village Board.

- C. A license issued under this section:
 - (1) is valid for a maximum of one year from the date of issuance, subject to a one-time extension of 30 days at the discretion of the Village Clerk;
 - (2) may not be transferred by the property owner listed on the application and does not convey with a sale or transfer of the property; and
 - (3) satisfies the requirements for a change of use from residential to short-term rental use;

- D. A license may be renewed annually if the owner:
 - (1) pays a renewal fee;
 - (2) provide statement of payment that hotel occupancy taxes have been paid for the licensed unit required by the County of Chautauqua for the previous year;
 - (3) provides updates of any changes to the information required;
 - (4) the Code Enforcement Officer has issued a Certificate of Occupancy based on a life safety inspection conducted at initial license issue and at a

minimum of every 36 months thereafter; at the discretion of the Code Enforcement Officer.

§ 24-3 NOTIFICATION REQUIREMENTS.

- A. The Village Clerk shall provide a packet of information with each license summarizing the restrictions applicable to the short-term rental use, including:
- (1) the name and contact information of the local responsible contact designated in the application;
 - (2) occupancy limits applicable under NYS Fire Code Chapter 4-408;
 - (3) restrictions on noise applicable under separate ordinance;
 - (4) parking restrictions;
 - (5) trash collection schedule, containers shall be rodent proof & covered;
 - (6) information on relevant burn bans;
 - (7) other guidelines and requirements applicable to short-term rental uses.
- B. The owner or operator of a short-term rental use must:
- (1) provide renters a copy of the information packet;
 - (2) post the packet conspicuously in the common area of each dwelling rental unit included in the registration.
- C. The Village Clerk shall mail notice of the contact information for the local responsible contact to all properties within 100 feet of the short-term rental use at the owner or operator's expense.

§ 24-4 INSPECTIONS

The code official shall make inspections to determine the condition of short-term rentals to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official's representative may enter, examine and survey, at all times, all buildings, dwelling units, guest rooms and premises on presentation of the proper credentials. The owner or operator of an establishment, or the person in charge, shall give the code official free access to the building.

§ 24-5 LICENSES AND PERMITS REQUIRED

No person may operate a short-term rental unless a license for the operation, in the name of the owner or operator and for the specific dwelling unit, has been issued by the code official and is currently valid and in good standing.

§ 24-6 LICENSE SUSPENSION

- A. Whenever the code official finds on inspection of the physical premises or review of applicable records of any short-term rental, that conditions or practices exist that violate any provision of the Property Maintenance Code, or any rule or regulation adopted under this code, or that the establishment has failed to comply with any provision, prohibition or requirement related to the registration, reporting, collection, segregation, accounting, disclosure or payment of county bed taxes, the code official shall give written notice to the owner of the property and the operator of the short-term rental that unless the violations are corrected by an identified deadline, the license shall be suspended. By resolution of the Board of Trustees.
- B. At the end of the time provided for correction of the violation(s), the code official shall re-inspect the location or records of the short-term rental and if the conditions or practices have not been corrected, shall suspend the license and give written notice to the licensee that the license has been suspended.
- C. On receipt of notice of suspension, the licensee shall immediately stop operation of the short-term rental.
- D. Penalties: Any violation of provisions of this section by any person shall be punishable by fines listed in the Zoning Code fee and fine schedule.
- E. A suspended license shall only be re-instated by action of the Village Board.