

VILLAGE OF LAKEWOOD

CODE ENFORCEMENT

SHORT-TERM RENTAL REGULATIONS AND APPLICATION

Short-Term (STR) rentals are only allowed in the districts indicated in the District Use Table (Article IV, Chapter §25-35.1 Village Zoning Law, LL- 1 - 2024). Prior to establishing a Short-Term rental, the owner and/or operator must obtain special use permit approval by the Village Board of Trustees (in accordance with §25-88 of the Chapter).

A special use permit for a STR operation shall be valid for one (1) year from the date of issuance. The special use permit and associated special use permit fees as shown on the application must be submitted for renewal prior to the expiration date for the property to continue to be used for such purposes.

A special use permit issued for a Short-Term rental operation is *not* transferable to a new owner or operator. The new owner or operator of an STR property must file a new application in accordance with the terms of this section if such property is to continue to be used for STR purposes.

The Village Board and CEO may require site plan review and approval for an STR application if in their opinion the use could have a major impact with respect to traffic safety, health, neighborhood character, municipal cost, environment, nuisances and aesthetics. The review process will take place concurrently with the special use permit process.

- **Applications for STR, including renewals, shall be submitted to the Village Clerk:**
 - An application must be submitted in the appropriate number and form, include all required materials and supporting documentation and be accompanied by the required fee to be accepted and ready for processing.
- **Applications for a STR must be submitted annually and must include the following:**
 - The required STR special use permit application fee.
 - A list of all property owners and/or operators of the STR, including names, addresses, telephone numbers, and email addresses. Signatures of all persons and entities with ownership interest in the property must be included.
 - A list of all full-time residents of the property and proof of notification of intent to apply for an STR permit.
 - Proof that there is *not* a restrictive covenant on the property for commercial purposes.
 - Written consent to a property inspection by the CEO.
 - A statement of compliance with all STR standards outlined in this Section. Contact information for the 24-hour designated local person or agent in accordance with Subsection G (§25-35, Village of Lakewood Zoning Code) and signed agreement by such person consenting to the fulfillment of this role.

- A rental contract in accordance with Subsection E (§25-35, Village of Lakewood Zoning Code) below.
 - Proof of property insurance.
 - Proof of registration with Chautauqua County as a lodging business, including the issued Certificate of Authority to Collect Occupancy Tax, and proof of payment if seeking renewal.
 - Proof of notification to adjacent property owners of intent to operate or continue to operate an STR.
 - If seeking renewal, a record of all police calls to and complaints filed against the subject property over the preceding 12-month period.
- **Rental contract:**
 - All owners and operators must provide all renters with a rental contract agreement including, at a minimum, the following information:
 - Maximum property occupancy (§25-35 Village of Lakewood Zoning Code, Subsection H);
 - Operational restrictions (§25-35, Village of Lakewood Zoning Code, Subsection I);
 - Parking restrictions (§25-35, Village of Lakewood Zoning Code, Subsection J);
 - (4) Good neighbor guidelines – Be friendly, courteous and treat your neighbors like you want to be treated. Be considerate of neighbor’s right to the quiet, private enjoyment of their home and property; be sure to pick up after yourself, keep property and neighborhood clean and free of trash; promptly clean up after pets. Prevent excessive and prolonged barking. Control pets at all times. Keep pets on leash when off the property. Dogs must be licensed and have up-to-date rabies vaccination.
- **Requirements upon Approval of Permit:**
 - The permit holder shall provide a copy of the permit to the owners of all properties adjacent to the STR property. A statement of compliance with this provision identifying the owners served, their addresses and the method of service (e.g., mail, personal delivery) shall be provided to the Village Clerk. The special use permit and certificate of occupancy must be prominently displayed inside, near the main entrance. The permit holder must conspicuously display the permit number in all advertisements for the STR.
- **Local contact:**
 - Each STR operation shall have a designated 24-hour contact. The contact must be an authorized agent of the property owner and /or STR operator and shall be responsible for responding to and remedying any issues, complaints or other conflicts associated with the STR property. The designated individual must be able to be present at the location of the STR within 30 minutes of notification of any issues, complaints or conflicts. A valid phone number and email for the designated individual must be provided to the Village Clerk’s office and must be conspicuously posted for the use and reference of the guests.

- **Maximum occupancy:**
 - The maximum occupancy of an STR shall be limited to two (2) persons per bedroom or 10 people total, whichever is less. Children under the age of four will not be included in the occupancy calculation.
- **Operational requirements:**
 - Must comply with weekly garbage and recycling removal.
 - No STR shall be rented out for the purposes of hosting events, weddings, parties or other gatherings that would cause occupancy of the property to exceed maximum number of guests permitted under (§25-35, Subsection H, Village of Lakewood Zoning Code).
 - No more than one pop-up tent with a maximum area of 100 square feet shall be permitted with the use of an STR.
 - The use of portable toilet structures shall be prohibited on STR properties.
 - The use of outdoor speakers or other audio amplification devices shall not be permitted between the hours of 10:00 pm and 8:00 am (the requirements of §25-55 of the Village of Lakewood Zoning Code shall be enforced as applicable).
 - Indoor and/or outdoor fires must be attended at all times. Occupants will comply with all burn bans.
 - Renting out of on-site amenities such as pools, lawns, docks or accessory structures separate from the approved STR is prohibited.
 - No accessory structure associated with STR property may be converted to or utilized for overnight sleeping accommodations.
- **Parking requirements:**
 - All vehicles must be parked on the property at all times. Parking is prohibited on public streets or in non-designated spaces, such as lawns. (Minimum number of parking spaces, as per table in (§25-35, Section J of the Village of Lakewood Zoning Code). ****Insert table****
- **Safety standards:**
 - Emergency evacuation procedures must be posted in each sleeping room.
 - A fire extinguisher must be provided for each floor and in each kitchen. Fire extinguishers will be inspected monthly by the permit holder.
 - Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- **Inspections:**
 - The CEO, or their designee, shall make inspections prior to the issuance of a special use permit, including annual renewal applications.
 - For the purpose of making inspections, the CEO, or their designee, 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 inspector free access to the building.
- **Compliance with Other Local, State and Federal Regulations:**

- Owners and/or operators of STR's shall obey all other applicable laws, ordinances and regulations of the Village of Lakewood, Chautauqua County, New York State and the United States, and will be subject to the enforcement and penalty provisions contained therein. This includes, but is not limited to, the NYS Uniform Fire Prevention Code and NYS Building Code.
- **Complaints:**
 - Any person aggrieved by the operation of an STR may submit a complaint in writing, on a provided form, to the CEO. All complaints will be submitted to and reviewed by the CEO and Complaint Review Board for determination.
- **Enforcement and penalties:**
 - Penalties for each verified violation of this Chapter for non-compliance, the fees of the Short-Term Rental Schedule of Fees and Penalties, as established by the Village Board of Trustees, shall apply. Fees are subject to change from time to time.
 - Penalties for non-compliance at a licensed short-term rental operation shall be as follows:
 - Operating a STR without a permit – 1st violation shall receive a warning from the CEO; 2nd violation shall be \$1000; 3rd violation and beyond \$2500.
 - Operating a STR without a local contact or failure to notify the Village Clerk's office of change of property management contact - \$250 per instance
 - Over occupancy and parking violations - \$1000 per instance
 - Garbage non-compliance - \$250 for first violation; \$500 for second violation and \$1000 for each violation thereafter
 - Advertising non-compliance, including not having the permit number in the advertisement - \$500 per violation
 - Noise complaints – 1st violation, \$1000, 2nd violation, \$2000, 3rd violation and thereafter, \$5000 and revocation of special use permit.
- **Revocation of Permit:**
 - A special use permit may be revoked when any of the following occur:
 - The property in question has had three (3) verified violations within 12 months.
 - Fees or penalties that are not paid within 30 days will result in STR Special Use Permit being suspended or revoked.
 - The property owner and/or operator fails to rectify a violation within the required time frame.
 - A STR shall cease operation immediately upon notification by the CEO of the permit revocation.
 - STR owners and/or operators that have had a permit revoked may not reapply for a period of 12 consecutive months from the date of revocation