



TOWN OF NEWSTEAD BUILDING DEPARTMENT

5 Clarence Center Road, Akron, NY 14001

716-542-4573; Option #4

RENTAL UNIT REGISTRATION

New ☐ Renewal ☐

Property Address _____ SBL# _____

Owner Name(s): _____ Owner Email: _____

Owner Address: _____ Owner Phone: _____

Agent information is required if owner lives outside 25 mile radius

Agent Name: _____

Agent Address: _____

Agent Phone: _____ Agent Email: _____

☐ Initial Registration Fee.....\$250.00

☐ Initial Registration Fee if home used exclusively for short term rental.....\$500.00

☐ Annual Fee.....\$ 75.00

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such permit is granted he will comply with the terms thereof, the ordinances of the Town of Newstead, and the regulations of the various departments of the County of Erie and the State of New York, that he/she will request all necessary inspections & authorize & provide the means of entry to the premises & building to the Code Enforcement Officer, and that he/she will not use or permit to be used the structure or structures covered by the permit until said permit is issued.

Owner Signature _____

Date _____

Owner Name Printed _____

Permit#

Payment Total:

Inspection Compliance Date:

Payment Date:

Permit Expiration Date:

Inspector Signature:

(Two years from date issued)

Chapter 305. Rental Property

Article I. Short-Term Rentals

[Adopted 12-14-2020 by L.L. No. 5-2020]

§ 305-1. Legislative findings and intent.

The Town Board of the Town of Newstead hereby finds and declares that the rental of dwelling units constitutes a business which impacts the public health, safety, and general welfare of the people of the Town of Newstead. The intent of this article is to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and to mitigate any potentially adverse effects of short-term rentals.

§ 305-2. Definitions.

As used in this article, the following terms shall have the meanings indicated herein:

CEO

The Code Enforcement Officer for the Town of Newstead.

CODE

All state and local laws, codes, ordinances, rules, and regulations for the establishment and maintenance of housing standards, including but not limited to the New York State Uniform Fire Prevention and Building Code.^[1]

DWELLING UNIT

A room or group of rooms within a building forming a single habitable unit which may be occupied by a person or persons for living or sleeping.

OWNER

The owner or owners of a dwelling unit or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or agent of the owner.

PERMIT

A short-term rental permit.

SHORT-TERM RENTAL

The rental of a dwelling unit for more than 30 days in a year.

[1] *Editor's Note: See Executive Law § 370 et seq.*

§ 305-3. Dwelling unit registration required.

Registration required. No person shall allow to be occupied, or rent to another for occupancy, a short-term rental unless the owner has first obtained a permit.

§ 305-4. Application for permit; renewal of permit.

An application for a permit can be obtained from the Building Department. The permit application may be modified from time to time as deemed necessary by the CEO, although the permit application shall at all times require:

- A. That the owner of the dwelling unit must reside within a twenty-five-mile radius or utilize a management company within a twenty-five-mile radius; and
- B. That the CEO shall have access and permission to enter the premises for necessary inspections.

§ 305-5. Application fee.

An application for a permit under this article shall be accompanied by a nonrefundable fee in such amount as the Town Board of the Town of Newstead may from time to time establish by resolution.

§ 305-6. Inspection requirements.

- A. Prior to reviewing a permit application, as set forth in § 305-7, below, the subject property and dwelling units must be inspected by the CEO to determine the maximum parking capacity for the property and to verify compliance with the provisions of this article and the Code. If, upon completion of the inspection of the subject property and dwelling units therein, the CEO finds noncompliance with the Code, the CEO shall issue a notice of noncompliance setting forth the particular Code violation(s). If such a notice is issued, the owner shall have 30 days to correct the issue and to coordinate a reinspection of the subject property and dwelling units by the CEO or the permit application shall be denied.
- B. If reinspection is required pursuant to Subsection A, above, upon reinspection, if the CEO finds noncompliance with the issued notice of violation, the permit application shall be denied and any current permit shall be revoked in accordance with § 305-12 of this article. The CEO shall issue a notice of violation setting forth the reasons for the denial or revocation.
- C. Upon receipt of a permit, the owner of a short-term rental agrees to permit the CEO access to the property to inspect the short-term rentals for suspected violations of this article.
- D. Upon an application for renewal of a permit, the subject property shall be reinspected to ensure continued compliance with this article and with § 150-12 of the Code of the Town of Newstead for firesafety and property maintenance inspections.
- E. Failure to permit an inspection or reinspection as required by Subsections A, B, C, and D, as set forth above, shall result in immediate denial or revocation of a permit.

§ 305-7. Application review process.

- A. All permit applications shall be reviewed by the Town Planning Board, which shall report its findings to the Town Board. It is suggested that the applicant meet informally with the Planning Board before submitting a permit application.
- B. In reviewing a permit application, the Planning Board shall consider, among other items deemed prudent by the Planning Board, including but not limited to the following:
 - (1) Whether permitting a short-term rental at the property will cause potential negative impact to the value of other property in the neighborhood where it is located.
 - (2) Whether the proposed use will be compatible with adjoining properties.

- (3) Whether adequate off-street parking and loading are provided, and ingress and egress are so designed as to cause minimal interference with traffic on abutting streets.
 - (4) Whether the short-term rental conforms to all applicable regulations governing the zoning district in which it is located.
- C. Notice of public hearing. The Town shall notify all property owners within 1,000 feet of the subject property, in writing, that an application has been submitted for a permit and that a public hearing is going to be held before such permit is acted on by the Town Board. This notification shall clearly state the following information:
- (1) The name of the owner, agent(s), and secondary emergency contact individual for the property and a telephone number at which those parties may be reached on a twenty-four-hour basis.
 - (2) The maximum number of occupants allowed to stay overnight in the dwelling.
 - (3) The maximum number of vehicles allowed to be parked on site on the subject property overnight.
 - (4) The date and time of the public hearing.
- D. Town Board review. After considering the Planning Board's recommendation, and after a duly scheduled public hearing, the Town Board may issue a permit, attaching any conditions it deems necessary.

§ 305-8. Term of permits.

A permit issued pursuant to this article shall expire no later than two years after the date of issuance, unless sooner revoked pursuant to § 305-12. No more than 60 days and no fewer than 30 days prior to the expiration of a permit, the owner must apply for a renewal permit pursuant to § 305-4, above.

§ 305-9. Duties of permit holder.

Each short-term rental shall have a clearly visible and legible notice posted within the property on or adjacent to the interior of the front door containing the following information:

- A. The name of the owner and, if required pursuant to § 305-4, the contact/agent, and a telephone number at which each individual may be reached on a twenty-four-hour basis.
- B. The maximum number of occupants permitted to stay in the short-term rental.
- C. The maximum number of vehicles allowed to be parked on the subject property.
- D. Quiet hours shall be between the hours of 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and 11:00 p.m. to 7:00 a.m., Friday and Saturday, and that excessive noises and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others shall be a violation of this article.
- E. Rules for the disposal of refuse, including but not limited to the date when refuse is picked up.
- F. Notification that occupants may be cited and fined for creating a disturbance or for violating other provisions of this article of the Town Code.
- G. Notification that failure to conform to the parking and occupancy requirements of the subject property is a violation of this article.

§ 305-10. Tenant accountability.

With respect to the dwelling unit which a tenant occupies, controls or uses, the tenant and the permit holder shall be jointly and severally responsible, as determined by the Town Board, for the tenant's compliance with the following:

- A. Complying with the maximum number of occupants permitted to stay in the short-term rental.
- B. Complying with the maximum number of vehicles allowed to be parked on the subject property.
- C. Complying with the quiet hours; such quiet hours shall be between the hours of 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and 11:00 p.m. to 7:00 a.m., Friday and Saturday, and that excessive noises and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others shall be a violation of this article.
- D. Complying with rules for the disposal of refuse.
- E. Maintenance of the dwelling unit in a clean, safe, and sanitary condition.
- F. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures, and facilities contained in the dwelling unit in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
- G. Keeping exits in the dwelling unit free and clear.
- H. Keeping domestic animals and pets in conformance with Town Code Chapter **114**, Animals.

§ 305-11. Enforcement; penalties for offenses.

- A. Enforcement officials. It shall be the duty of the CEO to enforce this article and to bring to the attention of the Town Board any violations or lack of compliance herewith.
- B. Violations. Any person, firm, company, or corporation who or which fails to comply with or violates any of the provisions of this article shall be guilty of an offense and subject to the penalties for that offense or offenses.
- C. Notice of violations. Whenever the CEO determines that a dwelling unit is in violation of any provision under this article, he/she shall issue a notice of violation setting forth at a minimum:
 - (1) The location of the subject property.
 - (2) Specific violations of the Town Code.
- D. Penalties. For each violation, any person, firm, company, or corporation who or which neglects or refuses to do any act required by this article shall be guilty of an offense and shall be punishable as follows:
 - (1) For the first offense: a fine of up to \$350 or imprisonment for up to six months, or both.
 - (2) For the second offense within five years: a fine of \$350 to \$700 or imprisonment for up to six months, or both.
 - (3) For the third offense within five years: a fine of \$700 to \$1,000 or imprisonment for up to six months, or both and permanent revocation of permit.
 - (4) Each day of a continuing violation shall constitute a separate violation and a civil penalty set forth by Subsection **D(1), (2), and (3)** above may be assessed for each day the violation continues.
 - (5) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this article, to recover damages, to restrain, correct or abate a violation, and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above. Consequently, the Town Board

may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent an illegal act, conduct, business or use in and about such premises.

§ 305-12. Revocation of permit.

- A. A permit issued pursuant to this article may be revoked for any one or more of the following reasons:
- (1) Fraud, misrepresentation, or a false statement of material fact in the application.
 - (2) A finding that a dwelling unit registration was issued in error and not in accordance with law.
 - (3) Pursuant to § 305-11.
 - (4) If the CEO determines that a dwelling unit does not substantially conform with the Code.
 - (5) Failure to allow an inspection or reinspection.
 - (6) Any other reason, not mentioned above, where permit revocation is mentioned in this article.
- B. If it is believed that any of the conditions listed in § 305-12A are present, the permit shall be immediately suspended and the CEO shall call for a hearing, upon at least 10 days' written notice to the owner, setting forth in the notice the time and place of the hearing. After the hearing, the CEO shall provide the owner with written notice of whether the permit shall be revoked or reinstated and a statement setting forth the reason for his/her decision.

§ 305-13. Effect of denial or revocation of permit.

- A. Vacant units. When a permit is denied or revoked, no further occupancy of a dwelling unit then vacant shall be permitted until a permit has been issued.
- B. Occupied units. In addition to other penalties under this article, when a permit is denied or revoked, the dwelling units containing such violations shall be vacated after the CEO provides notice to the owner and the occupants of the dwelling unit containing said violations. Such notice shall direct the owner and occupants of the dwelling units containing such violations to vacate within a period of time as determined by the CEO and may provide a reasonable period to correct such violations. Vacated dwelling units shall not be reoccupied until a permit has been issued.

§ 305-14. Permits are nontransferable.

No permit issued under this article shall be transferable.