TOWN OF ELLICOTTVILLE
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SHORT-TERM RENTAL REGULATIONS & APPLICATION

A. INSTRUCTIONS:

(1) Read the entire application carefully.
(2) Initial each page to acknowledge understanding.
(3) Sign and notarize the application before submission.

Purpose: This license is to regulate privately-owned residential dwelling units within the Town used as short-term rentals and to minimize the potential adverse effects of short-term rentals on residential neighbors and the Town's long-term housing stock.

B. Short-term rental license required. A short-term rental license shall be obtained prior to using a dwelling unit as a short-term rental.

C. General Standards

(1) The short-term rental shall be inspected by the Building Official for compliance with Town and state codes. The short-term rental will not be able to operate unless it is in full compliance with Town and state Codes.

(2) A short-term rental license shall be valid for one year, and shall expire on February 28 of each year regardless of when it was issued, and must be renewed within 60 days prior to the expiration of the license.

(3) If the terms of the short-term rental license are not kept or these regulations not followed, the short-term rental license may be revoked and the owner subject to penalties allowable under law, including the penalties set forth below.

(4) Any short-term rental in existence prior to the enactment of this regulation shall comply with all rules and regulations contained herein within 90 days after the effective date of this regulation.

(5) Short-term rentals shall be permitted for principal and secondary residences in accordance with the following.

- **a) Principal dwelling**
  - **i.** There is no limit on the number of licenses issued annually by the Town of Ellicottville for property used as a principal dwelling.
- **b) Secondary dwelling**
  - **i.** The maximum number of licenses issued annually by the Town of Ellicottville for property used as a secondary dwelling shall be based on the number of licenses issued within the first year following the effective date of this law.
  - **ii.** No property owner of a secondary dwelling shall have more than one short-term rental license for a secondary residence at any given time, unless such license was issued within the first year following the effective date of this law and renewed annually thereafter.

D. Application and Processing Requirements

(1) To apply for a short-term rental license, an owner shall complete this application with the following information:

a) The names, addresses, valid email addresses, and telephone numbers of all property owners of the short-term rental unit. If the property is owned by a limited liability company, partnership, corporation, or other entity, the application shall include the names, addresses, email addresses

and telephone numbers of all members, partners, shareholders, officers and principals associated with the entity.

b) The address of the proposed short-term rental unit.

c) The maximum permitted number of guests shall be determined based on the following:

i. Dwelling Units (not including efficiency dwellings) – Two (2) guests per the number of bedrooms that are compliant with the New York State Uniform Fire Prevention and Building Code, with an additional two guests for the entire dwelling unit.

ii. Efficiency Dwelling – One (1) guest per 120 square feet of living space, up to a maximum of three guests.

iii. The maximum number of people allowed at a short-term rental between the hours of 6:00 am through 10:00 pm shall be no more than twice the number of overnight occupants allowed on the license.

d) The name, address, email address and telephone number of a contact person, if different than owner, who will be available twenty-four hours per day to accept telephone calls regarding the short-term rental when occupied and the ability to respond to the address within one hour.

e) This application signed and notarized affidavit by the property owner applicant that:

i. The short-term rental unit is legally licensed and habitable.

ii. The space used for the short-term rental meets or exceeds fire and life safety requirements, including installation of smoke detectors, and adequate means of egress.

iii. The Town can examine all places of business in the short-term rental to ascertain whether provisions of this chapter have been complied with.

iv. The host has valid insurance that explicitly covers short-term rental activity.

v. The host shall adhere to short-term rental regulations listed in this Chapter.

vi. The host explicitly consents to enforcement of this Chapter and in rem jurisdiction over the short-term rental property and the host by the Courts of the Town of Ellicottville, County of Cattaraugus and NY State Supreme Court for the purpose of enforcing this Chapter. The property owner also consents to personal service of a summons by First Class U.S. Mail in any enforcement action.

(2) This short-term rental application shall be accompanied by payment of an application fee as established by resolution of the Town Board from time to time.

(3) Within thirty days of a change of property ownership, change of operator, or any other change in material facts pertaining to the information contained in the short-term rental license, the operator shall submit an updated application. In the event of a change in property ownership, the operator shall also submit the requisite application fee for a new short-term rental license.

(4) A short-term rental license shall not be issued or renewed if there are unresolved code compliance cases, outstanding fines or fees, or Town liens on the property.

(5) Short-term rental license renewals are subject to any intervening changes in this Chapter and renewal shall be denied if the short-term rental no longer qualifies under the requirements of this Chapter, unless specifically exempted therefrom.

(6) A short-term rental license application may be denied if the applicant has had a prior short-term license suspended or revoked in the previous 12 months.

(7) Inspections.

a) The Town may conduct an inspection of the short-term rental unit prior to issuing a new license and prior to issuing any renewal license. Once a complete application and payment are received, the applicant will be contacted to schedule the inspection.

b) If the Building Official reasonably believes that there is a violation of the Town Code or the NYS Uniform Fire Prevention and Building Code, the Town may make inspections to ensure compliance with this article.

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c) The Town will schedule such inspections in advance, unless in the case of imminent danger, in which case the Town may request access without an advance appointment.

d) To be in compliance, the following minimum requirements must be met:

i. There shall be functioning smoke alarms installed and maintained at each of the following locations:

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b. In each bedroom or room used for sleeping purposes.

c. In each story within a dwelling unit, including basements.

ii. There shall be one functioning fire extinguisher in the kitchen and at each primary exit in an unobstructed conspicuous location.

iii. Carbon monoxide detection shall be installed in a central or otherwise approved location within 10 feet of the entrance to sleeping areas and sleeping units. Carbon monoxide detection shall be installed in all rooms, occupiable space, dwelling units, sleeping areas and sleeping units that contain a fuel burning appliance.

iv. Exit doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.

v. Electrical systems shall be serviceable with no visual defects or unsafe conditions.

vi. All fireplaces, fireplace inserts, or other fuel-burning heaters and furnaces shall be vented and properly installed.

vii. Each bedroom shall have an exterior exit that opens directly to the outside, or an emergency escape or egress type window as required by the fire code.

E. Expiration and Renewal

(1) A short-term rental license is valid through February 28 of each year. It may not be transferred, does not run with the land, and is valid only at the original short-term rental site.

(2) The short-term rental license shall automatically expire upon sale or transfer of the property. No registration may be assigned, transferred, or loaned to any other person.

(3) A short-term rental license may be renewed if the host meets the following requirements:

a) Payment of registration renewal fees.

b) Is deemed to have been in conformance with the provisions of this chapter for the past year.

c) Documents and provides any changes that have occurred to the information on the current short-term rental license.

(4) Failure to renew prior to the expiration date will result in the expiration of the short-term rental license.

F. Operational Requirements

(1) While a short-term rental unit is rented, the operator or a contact person shall be available twenty-fours a day, seven days a week for the purpose of responding to the short-term rental address within one-hour to complaints regarding the condition, operation, or conduct of occupants or guests of the short-term rental unit. The operator must also provide adjacent property owners with the phone number for the designated responsible person and the property owner.

a) Upon notification that any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental unit, the operator or designated responsible person shall promptly respond to the property within one hour in an appropriate manner to immediately halt or prevent a recurrence of such conduct by any occupants and/or guests.

b) Failure of the operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within one hour and in an

appropriate manner shall render the operator subject to all administrative, legal and equitable remedies available to the town, up to and including short-term rental license revocation.

(2) No person shall advertise, undertake, maintain, authorize, book, or facilitate any renting to guests in a manner that does not comply with this Chapter. Any property that appears in an online platform search result for stays of less than 30 days shall be deemed to be advertising for short-term rental, even if the listing contains a statement that it is for rentals of more than 30 days. Unlicensed or long-term rentals must only be shown in searches for more than a 30-day rental.

(3) No person shall advertise any short-term rental without a town-issued short-term rental license number depicted in a visible location on the advertisement, including any listing on an online hosting platform.

(4) A short-term rental unit shall not be advertised for or used by more than the permitted number of guests on the license. If the short-term rental license limits occupancy to a number less than that calculated pursuant to this section, the limit in the license shall govern.

(5) Short-term rentals shall be limited to one booking per property per day. A booking may consist of the short-term rental of one or more bedrooms in the home or the short-term rental of the entire home. A short-term rental may operate in conjunction with a long-term rental, the rental of a residence for periods of more than thirty consecutive days, in the home.

(6) All vehicles of guests at a short-term rental must be parked on the premises, as approved on the license. No motor vehicles shall be parked on the lawn or landscaped areas of a short-term rental property, or in the street or right of way adjacent to the short-term rental property. Existing on-site parking spaces shall be made available to guests.

(7) Short-term rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her residence.

(8) A short-term rental unit shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting, signage, or any advertising mechanism.

(9) A short-term rental unit shall provide adequate waste, recycling, and organics containers. Waste containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pickup time. Provisions must be made for removal of waste weekly or more frequently.

(10) A short-term rental unit shall only be used for overnight lodging. Events including, but not limited to, weddings, banquets, and personal or corporate events, are prohibited from occurring as part of the short-term rental use. The dwelling shall not be advertised or rented for the sole purpose of accommodating such uses.

(11) No person shall offer or engage in short-term rental activity in any part of the property not approved for residential use, including, but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, or any temporary structure such as a tent. Specifically, there shall be no campers or recreational vehicles located on the short-term rental property, nor shall there be any overnight camping in tents or otherwise used in conjunction with short-term rentals to provide additional sleeping areas.

(12) The following information shall be posted in a conspicuous location within the short-term rental unit:

- **a)** The short-term rental license number.
- **b)** The name and contact information for the property owner.
- **c)** The name and contact information for the contact person.
- **d)** The maximum number of overnight guests.
- **e)** Rules and schedules for trash storage and pickup, noise, and parking.
- **f)** Local emergency information.

(13) All short-term rental owners shall comply with the provisions of any town, county, state, or federal disaster or emergency orders.

Owner's Initials: _____

(14) All online listings and advertisements for a short-term rental must comply with the requirements of these regulations and the terms of the short-term rental permit. Additionally, they must clearly and prominently display the short-term rental permit number.

(15) Short-term rental owners must have a rental agreement, either written or oral, with every renter. This agreement must include a clause allowing the owner or their representative to terminate the rental if the short-term rental license is suspended or revoked, provided that notice is given at least one-full week before the rental term begins.

G. Enforcement and Violations

(1) Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Ellicottville, Cattaraugus County, New York State, and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this chapter.

(2) A short-term rental is not permitted on any properties except as outlined herein. The owner of a property in violation of this section shall be subject to the following fines and procedures, including revocation of a short-term rental license.

(3) If the Code Enforcement Officer finds a violation of the license or of this section, the Code Enforcement officer may do any of the following depending on the circumstances:

- **a)** Issue a Notice to Remedy.
- **b)** Initiate an action or proceeding in the Ellicottville Town Court.
- **c)** Attach reasonable conditions to the existing short-term rental license.
- **d)** Suspend the short-term rental license.
- **e)** Revoke the short-term rental license.

(4) Should a license be revoked, none of the owners of the short-term rental property may obtain any short-term rental license sooner than one year after the date of revocation.

(5) The Town reserves the right to commence an action for injunctive relief at any time following receipt of a complaint and to enjoin violations of this section if deemed necessary to protect the public health, safety, and welfare.

(6) Operating or advertising a short-term rental without a rental license as required in this Chapter shall be punishable by a fine not less than $1,000 and not greater than $2,000.

(7) Failure by the owner of a short-term rental property to comply with the requirements under this section shall be punishable by a fine not greater than $1,000; a second violation of this section, within a period of five years of a previous violation, shall be punishable by a fine of not less than $1,000 nor greater than $2,000; a third violation, within a period of five years, shall be punishable by a fine of not less than $2,000 nor greater than $4,000.

(8) Each day that the violation continues shall be deemed a separate and distinct violation punishable in like manner by imposition of up to a maximum fine for each day of violation. Multiple incidents in one day may be pursued by the town as separate violations.

(9) The aforesaid violations may result in either the immediate revocation of a short-term rental license and any affiliated licenses and/or denial of future short-term rental licenses.

(10) Fines for violation of this Chapter imposed by a court of proper jurisdiction, if not paid within 60 days, may be added to the Town tax levied upon the property associated with the violation, by resolution of the Town Board.

(11) The Town of Ellicottville may impose a tax levy on the subject lands in the amount of any judgement obtained from a court of competent jurisdiction for violation of this Chapter.

(12) The remedies provided in this section are not exclusive, and nothing in this chapter shall preclude the use or application of any other remedies, penalties, or procedures established by law. The town may pursue any other administrative or judicial legal remedies available, including, but not limited to, civil injunctions, license revocations, and civil penalties for violations of this chapter.

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Article V – The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Article VI – This local law shall take effect on March 1, 2025, or as soon thereafter as it is filed in the Office of the New York Secretary of State.

FEES

$200.00 FOR PRINCIPAL DWELLING. A DWELLING UNIT WHERE A PERSON RESIDES 184 OR MORE DAYS PER CALENDAR YEAR AND IS USED AS A PRIMARY RESIDENCE.

Required Proof of Residency: Provide two of the following: Driver's License or State ID, Bank Statement, Vehicle Registration, Tax Records, Voter registration.

$700.00 FOR SECONDARY DWELLING. A DWELLING UNIT THAT IS OWNED OR RENTED ALONE OR JOINTLY WITH ANOTHER PERSON, WHERE THE PERSON(S) IS NOT USING THE DWELLING AS A PRINCIPAL RESIDENCE.

MAKE CHECK PAYABLE TO: TOWN OF ELLICOTTVILLE

OWNER INFORMATION

OWNER NAME: _____

OWNER ADDRESS: _____

_____

OWNER CELL PHONE: _____ OTHER PHONE: _____

OWNER EMAIL: _____

If the property is owned by a limited liability company, partnership, corporation, or other entity, the application shall include the names, addresses, email addresses and telephone numbers of all members, partners, shareholders, officers and principals associated with the entity. Provide this information on additional forms in above format.

RENTAL PROPERTY INFORMATION

RENTAL ADDRESS: _____

_____

NUMBER OF BEDROOMS: _____ MAXIMUM NUMBER OF VEHICLES: _____ (SEE F-6)

MAXIMUM NUMBER OF OCCUPANTS: _____ (SEE D-1-c)

Owner's Initials: _____

CONTACT PERSON OR MANAGEMENT COMPANY:

_____

ADDRESS: _____

CELL PHONE: _____ OTHER PHONE: _____

EMAIL: _____

CONTACT PERSON OR MANAGEMENT COMPANY SHALL BE AVAILABLE TO RESPOND TO ADDRESS WITHIN 1 HOUR WHILE PROPERTY IS RENTED.

ADJACENT PROPERTY OWNERS NOTIFIED AND GIVEN CELL PHONE NUMBERS OF RENTAL PROPERTY OWNER AND CONTACT PERSON? ☐ YES ☐ NO

GARBAGE COLLECTION SERVICE: _____

COLLECTION DAY: ☐ MONDAY ☐ TUESDAY ☐ WEDNESDAY ☐ THURSDAY ☐ FRIDAY

AFFIDAVIT (signature required) As the property Owner or Owner's Designee (if applicable), I declare under penalty of perjury in the second degree that the information I provided in this form is true and complete to the best of my knowledge and that this property meets all requirements mentioned herein. I have read and understand the Short-Term Rental regulations for obtaining a license and agree to comply with all applicable laws, regulations, and ordinances. I understand that any false statements will result in revocation of Short-term Rental License.

OWNER'S SIGNATURE: _____

OWNER'S NAME (Print): _____

DATE: _____

NOTARY SIGNATURE: _____

NOTARY NAME: _____

DATE: _____

NOTARY EXPIRATION DATE: _____

Owner's Initials: _____