

DRAFT Village of Aurora - Local Law No. 5 of the year 2023

A local law to Regulate Short-Term Rentals in the Village of Aurora and to require owners of Short-Term Rentals to obtain a Short-Term Rental permit or license.

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Section I. Title. This local law shall be known as Short-Term Rentals and may be cited as local law No. 5 of 2023, of the Village of Aurora requiring owners to obtain a Short-Term Rental Permit or Temporary License from the Village of Aurora in order to continue or commence operation of a Short-Term Rental (STR).

Section II. Authorization. The adoption of this local law is in accordance with 4-412.1 of New York Village Law and §10 of the New York Municipal Home Rule Law.

Section III. Legislative Intent and purpose

The Comprehensive Plan adopted by the Village of Aurora on December 15, 2021, established primary goals to “nurture and expand Aurora’s sense of place,” and “preserve [its] residential character and neighborhoods”.

Aurora’s traditional neighborhood character, based upon a community of owner-occupied properties, is adversely impacted by the growing number of Short-Term Rentals [STRs]. STRs remove full-time residential housing from the market and have the potential to create housing shortages, drive up rental and home prices, and negatively impact Village life with inadequate parking, improper trash disposal, increased traffic, excessive noise, over-occupancy and unsafe conditions.

While STRs may offer a benefit of increased income to some property owners, STRs jeopardize basic Village functionality by decreasing the number of full-time inhabitants and limiting the number of residents available to serve as emergency and public safety workers, attend area schools, share municipal costs, participate in Village government, enhance the local economy, and support community organizations.

The regulation of STRs will protect the availability of the residential housing stock crucial to Aurora’s neighborhood character and village functionality, and will also

1. ensure the safety, welfare and health of persons occupying STRs and neighboring properties,

2. mitigate adverse impacts to the quality of community life,
3. restore and maintain the residential character of the Village,
4. provide support for residents who would benefit from STR income,
5. offer lodging for visitors and support the local economy.

The Comprehensive Plan stressed the need for more full-time residents and strongly encouraged the support of year-round housing, citing such community-wide benefits as an increased potential for new businesses, an expansion of social opportunities, a stronger local economy, and a more equitable distribution of Village water costs. STR regulation supports the Comprehensive Plan, which advocated updating our municipal code with STR provisions that balance economic opportunity with protections for community character while increasing available housing stock to attract new full-time residents.

Section IV. Definitions. As used in this law, the following terms shall have the meanings indicated.

Adjacent property: A property that is adjoining, abutting or facing the subject property.

Accessory Dwelling Unit: A subordinate unit that is: (1) contained within the existing primary single dwelling unit; (2) an addition to the existing primary dwelling unit; (3) an adaptive reuse of an existing permanent detached accessory structure such as a barn, carriage house or garage on the same parcel as the primary dwelling unit; or (4) designed into new construction of a single dwelling unit.

Apartment: One or more rooms or suites with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple, located in a building containing three or more such rooms or suites.

Apartment Building: Any building containing three or more apartment dwelling units. Apartment buildings shall be considered Multi-Family Dwellings.

Bed and Breakfast: Lodging facilities located in an owner-occupied private residence resulting from the conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to guests only; and to not more than 10 transient lodgers at one time, and containing not more than five bedrooms for such lodgers. The period of accommodation shall be no more than 31 consecutive days. Such use shall not be construed as a Boarding House, Hotel, Inn, or STR.

Bedroom, STR Guest: An interior room designated primarily for sleeping, having permanent walls and a door. STR guest bedrooms must have access to sanitary facilities providing a sink, toilet, potable running water and shower/bathtub. The room must be a minimum of 80 sq. ft., with a seven foot minimal horizontal measure in any direction and have at least two means of egress, one of which must be an egress window that meets NYS Uniform Fire Prevention and Building Codes.

Boarding House: An owner-occupied dwelling in which not more than five sleeping rooms are provided for definite periods of time including for weeks, months or years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. Such use shall not be construed as a Bed and Breakfast or STR.

Code Enforcement Officer (CEO): The duly trained and certified employee of the Village of Aurora who is responsible for the local enforcement of the New York State Uniform Fire Prevention and Building Codes

and who is authorized by the Village to issue certain building-related permits, violations and stop work orders in accordance with local law. The CEO may be the same individual as the Zoning Officer (also known as a Zoning Inspector), and may be considered to be so for the purposes of this law.

Contact Person: The owner of an STR or a person over the age of 21 designated by an STR owner, available by phone 24 hours a day, 365 days per year to act on the owners' behalf to remedy any emergency or violation of the standards in this law, who shall be at the rental unit within 60 minutes at the request of the tenants, the owner(s), the owners or occupants of an adjacent property, the CEO or any other law enforcement officer. The resident host may or may not be the Contact Person in a Hosted STR. Contact Persons shall register in the Village Office with a signed agreement of availability and contact information.

Dormitory: A building or part of a building that is (1) operated by, or on behalf of, institutions that provide full-time instruction and a course of study that may be pursued in fulfillment of the requirements of NYS Education Law, or institutions authorized to grant degrees by the NYS Board of Regents; (2) to house students enrolled at such institutions. A student dormitory shall not be a One-Family Dwelling.

Driveway: A private vehicular access way to a street.

Dwelling: A building or a portion thereof, designed, used, or intended to be used primarily for human habitation whether inhabited or not. A dwelling shall not be deemed to include a hotel, motel, or inn. For the purpose of this law, a dwelling is more specifically defined as the following:

1. Dwelling, Multi-Family: A building used, designed, or occupied as a residence for three or more groups living independently of each other with separate living, sleeping, food preparation and sanitary facilities for each group.
2. Dwelling, One-Family: A dwelling having only one dwelling unit from ground to roof, independent access, and open space on all sides.
3. Dwelling, Two-Family: A building designed for, or occupied exclusively by, two groups living independently of each other with separate living, sleeping, food preparation and sanitary facilities for each group.
4. Dwelling Unit: Any room or group of rooms located within a residential building and forming a single habitable unit with living, sleeping, food preparation and sanitary facilities within the unit for use by one group.
5. Dwelling Unit, Accessory: see Accessory Dwelling Unit.

Floor Plan: An accurate plan drawn to scale for each level of a dwelling that can be occupied. A floor must include the location of all utilities and all rooms including bedrooms, food preparation areas, windows, exits and any heating or cooling units in the basement, first floor, second floor, and attic or third floor (if any) of the dwelling.

Guest: A transient lodger renting the premises of an STR unit for no more than 30 consecutive nights.

Guest Log: A true and complete chronological record of the dates of rental and number of guests that shall be maintained by the owner of an Un-hosted STR property and provided to the CEO on request. Guest Logs shall be certified as accurate by the owner and retained for at least three years.

Host: An owner or long-term renter of record who resides in an STR property with residency confirmed by required supporting documents. The host shall reside in a portion of the STR property during any rental of a Hosted STR unit to guests, and may or may not serve as the Contact Person.

Hosted STR: A One-Family, Two-Family or Accessory Dwelling with a resident owner or resident tenant of record serving as Host. The host shall reside in the property overnight during all rentals to guests of the STR unit, and may or may not serve as the registered Contact Person. In an emergency, the resident Host may be replaced temporarily by a Proxy Host.

House Rules: A set of rules in compliance with the requirements of this law (see IX.C.4) that shall apply to all guests of STR units while occupying the unit. The House Rules shall be provided to the renter of the STR unit prior to any rental occurrence or lease, and shall be prominently displayed by the owner inside and near the front entrance of the STR.

License, Temporary STR: A license allowing STRs in operation when this law is adopted to continue operating for one-year after the inaugural application / inspection / lottery period, providing that all application, inspection and fee requirements have been met. Licenses shall be subject to suspension and/or revocation by the CEO prior to the expiration date in the event of violations of this law or NYS Fire and Building Codes. Upon expiration of a temporary license, the STR shall cease operation.

Lottery: Public random drawing held to select recipients of STR permits for Un-hosted properties if the number of inaugural applications exceed the number of permits allowed. An inaugural lottery may be held after the application / inspection period. Lotteries may also determine the renewability of said permits if there is a reduction in the number of STR permits allowed by the Board of Trustees.

Neighborhood Character: The atmosphere or physical environment which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land use types and intensity, traffic generation and by the location, size, and design of structures as well as the interrelationship of all these features. For the purpose of this law, the residential stability and community engagement supported by owner-occupied dwellings and long-term rentals are identified as significant contributors to Aurora's neighborhood character which is founded primarily on such homes, as detailed in the Village's 2021 Comprehensive Plan.

Permit, Inaugural STR: the first set of renewable permits issued following adoption of this law.

Permit Limit: The limit on the number of Un-hosted STR permits. Hosted STR permits are not limited.

Permit, STR: A required two-year renewable permit obtained by the owner(s) of a property for Hosted or Un-hosted STR dwelling units on the property. An STR permit shall be subject to suspension and/or revocation by the CEO prior to the expiration date in the event of violations of this law or the NYS Uniform Fire Prevention and Building Codes.

Proxy Host: An individual who temporarily takes the place of a resident Host in an STR property in the case of an emergency which prevents the resident Host from being present overnight while STR guests are present. An Owner-Host shall be replaced temporarily by a Manager, Contact Person, or Co-Owner duly registered with the Village, and a Tenant-Host shall be replaced temporarily by an Owner, Manager or Contact Person duly registered with the Village. The Village Office shall be notified immediately by email of the Proxy Hosts's identity and planned dates of residence in the STR property..

Rental: Agreement wherein payment by any compensation is made for temporary use of property owned by another.

Residence: The place where one lives.

Rooming House: An owner-occupied dwelling in which not more than five sleeping rooms are provided for definite periods of time including for weeks, months or years for compensation pursuant to previous arrangements, but not open to public or overnight guests, and wherein no dining facilities are maintained for the lodger, as distinguished from a boarding house. Such use shall not be construed as a Bed and Breakfast or STR.

Short-Term Rental (STR): Any entire dwelling or a portion thereof rented for a fee or compensation, whether monetary or otherwise, in exchange for lodging for a period of no more than 30 consecutive nights, and in which no meals are served to guests or the public, and no commercial services are offered. For the purpose of this law, the term STR shall not include a bed-and-breakfast, rooming or boarding house, hotel, motel, dormitory, or ongoing month-to-month tenancies.

Short Term Rental Unit: The dwelling or portion of a dwelling rented for use as a Short-Term Rental. An STR unit may be an entire Un-hosted One-Family Dwelling; specific rooms within a Hosted or Un-hosted One-Family Dwelling; a separate dwelling unit in a Hosted Two-Family Dwelling; or a Hosted Accessory Dwelling.

Sleeping Area: An area identified on the floor plan of an STR as containing full size convertible sleeping accommodation furniture (i.e. futon, hide-a-bed) with access to sanitary facilities providing a sink, toilet, potable running water and shower/bathtub. The area must have at least two means of egress, one of which must be an egress window that meets NYS Uniform Fire Prevention and Building Codes.

Un-hosted STR: A One-Family Dwelling rented fully or in part as a single STR unit without a resident host living in the dwelling. Two-Family, Multi-Family and Accessory Dwellings shall not be used as Un-hosted STRs.

Village: In this law, village shall mean the Village of Aurora, New York.

Waiting List: an ordered list of completed applications for Un-hosted STR permits which were not selected by lottery to receive an inaugural permit. The waiting list will be ordered according to lottery drawing number. Applications for Un-hosted STR permits submitted after the lottery will be added to the waiting list in order of receipt.

Zoning Officer (ZO): the enforcer and administrator of this Village Zoning Law. The ZO may be the same individual as the Code Enforcement Officer (CEO), and may be considered to be so for the purposes of this law.

Section V, Presumption of Dwelling Unit as Short-Term Rental Property.

The following shall create a presumption that all or a part of a property is being used as an STR: the offering of all or a part of the property for lease through any form of advertising or on a website (including but not limited to Airbnb, Home Away and VRBO) for a rental period of 31 days or less. The foregoing

presumptions may be rebutted by evidence presented to the CEO that the premises is not operated as an STR.

Section VI. Required Permit or Temporary License.

- A. Owners shall not use their property as a STR without obtaining a two-year renewable STR permit or a one-year non-renewable temporary STR license.
- B. Permits for Hosted STRs shall be available for One-Family, Two-Family and Accessory Dwellings occupied by a resident host of record. Hosted STR applications shall require proof of the host's residency (see Section VIII) in order for the property owner to be eligible for a Hosted STR permit. Permits for Hosted STRs shall be used to accommodate only one group of guests at a time renting a single STR unit.
- C. The number of permits for Un-hosted STRs shall be limited in number to no more than ten and shall be available for One-Family Dwellings only. If fewer than ten inaugural applications are made for Un-hosted STR Permits, the numeric limit will be capped at that lower number. Permits for Un-hosted STRs shall be used to accommodate only one group of STR guests at a time, renting the property as a single STR unit. During each year of the permit's two-year term, an Un-hosted STR permit shall be used to accommodate guests for a maximum of 90 nights and a minimum of 30 nights. A complete, accurate Guest Log shall be maintained by the property owner and provided upon request to the CEO.
- D. If the number of inaugural applications for Un-hosted STR permits exceed the permit limit, a lottery shall determine which properties will receive a two-year renewable permit. Applications not selected by lottery to receive a permit shall be eligible for a one-year temporary license and may be placed on a waiting list for an Un-hosted Permit.
- E. In addition, any STR in operation on the date this law takes effect shall be eligible to continue in operation for one-year after the application / inspection / lottery period with a one-year non-renewable temporary license, providing the STR has met all zoning and code requirements and the license fee is paid.
- F. A person may hold only one STR permit at a time, either as an individual or as a member of an LLC, partnership, corporation, or other entity, and any such group entity may hold only one permit at a time.
- G. No STR permits shall be issued for Multiple-Family Dwellings or apartment buildings.
- H. No STR permits shall be issued for properties in the Institutional Zone or a successor Mixed Use Zone, or in any Open Space / Recreational zone. STRs will be allowed by permit or license in all other Village zones.
- I. Permits and licenses shall be surrendered if the property is sold or otherwise transferred to any other persons, businesses, entities, or properties.
- J. The issuance of an STR permit or license to an owner hereunder is a privilege, not a right. Any permit or license issued shall be subject to revocation, suspension, or additional conditions at any time during its term.

Section VII. Requirements for STR Permit and STR License Applications.

- A. Applications for a Hosted or Un-hosted Permit may be obtained at the Village office. A completed application shall be submitted to the CEO, accompanied by payment of a nonrefundable application fee. The application shall include:
 - 1. A list of all owners of the STR property including names, addresses, telephone numbers and email addresses. If owned by a limited liability company, corporation, partnership or

other entity, a list of the the names, addresses, telephone numbers and email addresses of the members, shareholders, officers, partners, and/or principals of such entities shall be provided. Subsequent changes in any of the above listed owners shall be reported to the CEO within 30 days of the change.

2. The signatures of all property owners and their designated agent(s):
 - a. Attesting to the accuracy of all elements of the application,
 - b. Acknowledging present and ongoing compliance with STR standards as defined in this law,
 - c. Authorizing the CEO to inspect the property to ensure compliance with all requirements and standards contained within this law, including all relevant New York State Uniform Fire Prevention and Building Codes.
 - d. Written proof of authority for any designated agent, manager or representative empowered to act on behalf of an LLC, partnership or other entity.
 3. The name and contact information of any manager or agency managing the property, including addresses, telephone numbers and email addresses.
 4. The property tax number of the subject property.
 5. A copy of the current vesting deed showing how title to the subject property is currently held.
 6. The name, address, telephone number and email address of a Contact Person who shall be responsible and authorized to act on behalf of the owner(s) to promptly remedy any emergency or any violation of the standards outlined in this local law. The Contact Person must be over the age of 21 and available by phone 24 hours a day, 365 days a year, and shall be at the rental unit within 60 minutes at the request of the tenants, owner(s), the owners or occupants of an adjacent property, the CEO or other law enforcement officer. The Contact Person may be an owner, a tenant-host, or a manager or agent designated by the owner(s). The Contact Person shall register with the village office and respond to correspondence from the Village Clerk and/or CEO within 24 hours.
 7. A notarized signed agreement with the adjacent property owner(s), if said owner shares a driveway with the property owner applying for an STR permit. The agreement shall give permission for the shared driveway to be used by STR guests. A new agreement must be submitted anytime there is a change in ownership of the adjacent property. Failure to secure an agreement will result in an automatic denial of the permit request.
 8. An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but must include the following:
 - a. Basement – location of house utilities and all rooms including bedrooms, windows, exits, food preparation areas, and any heating or cooling units..
 - b. First floor – all rooms including bedrooms, windows, exits, food preparation areas, and any heating or cooling units.
 - c. Second floor – all rooms including bedrooms, windows, exits, food preparation areas, and any heating or cooling units.
 - d. Attic or Third Floor, if any: with all rooms including exits, windows, bedrooms, food preparation areas, and any heating or cooling units.
- B. All applications shall be subject to a Floor Plan Review and Approval by the CEO, as well as periodic inspection for compliance with this law and all relevant NYS Uniform Fire Prevention and Building Codes.

Section VIII. Additional Requirements for Permit Applications for Hosted Properties.

A. Owner-Hosted STR properties meeting all application requirements above shall be exempt from the Village's numeric limit on Un-hosted STR permits if the following additional requirements are met:

1. A property owner of record must reside in the STR property and be present as a resident host during all short-term rental periods of any portion of the owner-occupied dwelling.
2. An application for an Owner-Hosted STR shall include a notarized statement attesting to host residency as described above and additional documents required to confirm residency. These documents shall include any three of the following: a copy of the host's driver's license, automobile registration, NYS Resident Income Return from the prior year (with all data redacted other than name and home address), and a voter registration record.

B. Tenant-Hosted STR properties meeting all application requirements above shall be exempt from the Village's numeric limit on Un-hosted STR permits if the following additional requirements are met:

1. A long-term renter of record must reside in the STR and be present as a resident host during all short-term rental periods of any portion of the tenant-occupied dwelling.
2. An application for a Tenant-Hosted STR shall include a notarized statement attesting to tenant-host residency as described above with a copy of a long term lease agreement to rent a portion of the STR for at least one year, and additional documents required to confirm residency. These documents shall include any two of the following: a copy of a voter registration record, a bank or credit card statement (with financial data redacted), or a renter's insurance policy,

C. Should the foregoing Host residency requirements not be met, the application shall be considered as an application for an Un-hosted permit, restricted to One-Family Dwellings and eligible for the lottery and waiting list if more than 10 completed applications for Un-hosted are received.

D. In the case of an emergency which prevents the resident Host from being present overnight at the hosted property while STR guests are present, a Proxy Host shall serve as substitute and reside in the STR property overnight. An Owner-Host shall be replaced temporarily by a Manager, Contact Person, or Co-Owner duly registered with the Village, and a Tenant-Host shall be replaced temporarily by an Owner, Manager or Contact Person duly registered with the Village. The Village Office shall be notified immediately by email of the identity and planned dates of residency of any STR Proxy Host.

Section IX. Short-Term Rental Standards.

A. Property Requirements:

1. Rental periods shall be for no more than 31 consecutive days.
2. No portion of a basement, attic or third floor within the rental area shall be used for habitable space of any kind, unless approved by the CEO under the same conditions that would allow such use pursuant to the NYS Fire Prevention and Building Codes and NYS Appendix 75A .
3. The STR unit must comply with all relevant NYS Fire Prevention and Building Codes including but not limited to the provision of one working smoke detector in each sleeping room, one additional smoke detector on each floor, an ABC fire extinguisher on each floor and in the kitchen, and evacuation procedures posted in each sleeping room. See checklist provided with application form for additional items.
4. The STR unit shall be accessible by emergency medical and fire vehicles and fire equipment at all times during the term of rental.
5. No camper, bus, recreational vehicle, travel trailer, railroad car, caboose, tent, lean-to, yurt, or tree house may serve as a STR property; no camping is allowed.

6. Only properties that are on municipal water and sewer will be considered for an STR permit.
7. Provisions shall be made for weekly garbage removal during rental periods. Garbage 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 road except at approximate pick-up time.
8. The house number shall be clearly visible from both the road and the driveway.
9. No signage is allowed that defines the property as a STR.
10. Occupancy for each STR unit shall not exceed two people per guest bedroom and two people per sleeping area with convertible furniture (i.e., hide-a-bed, futon), as shown on the floor plan. Maximum occupancy of an STR unit shall not exceed 12 guests.
11. One off-street parking space shall be provided and designated for each double-occupancy bedroom for guest use; parking shall not be located in the front yard.
12. If a residential dwelling is under construction and without a Certificate of Occupancy at the time of the filing of this local law, the owner may not apply for an STR Permit until three years after the filing.

B. Insurance Requirements: All permit holders must provide proof of a minimum of one million dollars liability and personal injury coverage provided by the online STR Platform. If the Platform does not provide sufficient coverage, the following proof of insurance must be provided 1) a rider on the homeowner's policy that expressly covers STRs and provides a minimum of one million dollars liability and personal injury coverage; or 2) a commercial insurance policy covering STR units at the permitted address that provides a minimum of one million dollars liability and personal injury coverage.

C. Rental Contract Requirement: All applicants and permit holders shall provide a rental contract to STR guests, which includes the following:

1. The maximum STR unit occupancy and the maximum on-site parking provided;
2. The STR permit or license number and expiration date; and
3. House Rules which shall include, but are not limited to, the following:
 - a. Notice that the STR is in a residential area in the Village of Aurora and that STR guests should be considerate of the residents in neighboring homes.
 - b. Request that guests observe quiet hours from 9:00 p.m. – 8:00 a.m.
 - c. Notice that all STR guests will be subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct.
 - d. The location of all fire extinguishers.
 - e. An emergency exit egress plan for all rooms.
 - f. The name, address and telephone number of the the Contact Person who will be responsible and available for emergencies and problems that may arise.
 - g. Instructions for dialing 911 for emergency, fire, or ambulance assistance.
 - h. A property map that clearly depicts the STR property boundaries and a statement that unit occupants may be liable for illegal trespassing.
 - i. Identification of procedures for disposal of refuse or garbage and a statement that littering is illegal.
 - j. Disallowance of all outdoor fires during the annual NYS "No Burn" period, of March 15 to May 15, and notice that only outdoor, contained fire pits are allowed and must be attended at all times.
 - k. Prohibition of outdoor camping.
 - l. If allowed by the property owner, instructions for fires in fireplaces or wood stoves. If not

allowed by the property owner, a statement stating as such.

- m. If a driveway is shared with an adjacent property owner, notice that the driveway is used by permission of the adjacent property owner and shall not be blocked at any time by STR guests.
- n. Notification that STR shall not be employed for any commercial use or public events.

D. Display Requirement: The maximum occupancy, maximum parking, maximum rental period and STR permit number along with the House Rules shall be prominently displayed inside and near the front entrance of the STR.

Section X. Procedure Upon Filing Application for an STR Permit or Temporary License.

- A. Applications: Applications for inaugural STR Permits shall be filed in the Village Office with all supporting documentation and the nonrefundable permit application fee up to six months after the adoption of this law. Only completed applications will be accepted by the CEO. The CEO may decline to accept an application for consideration if the documentation required by this local law was not included or the permit application fee was not paid.
- B. Inspection: The CEO shall schedule an inspection of the property when the application is deemed complete. Following the six month application period, the CEO shall have up to six more months to complete the required inspections as necessary. An applicant will have one month, from the initial inspection, to remedy a property that does not meet the code and zoning requirements for an STR within this local law. Any property which fails two inspections shall be ineligible for an inaugural STR permit.
- C. Lottery: Following the adoption of this local law, if more than ten code and zoning compliant applications are received for Un-hosted STR units in One-Family Dwellings, a random public lottery will determine which properties shall receive a two-year renewable STR permit.
 - 1. Any lottery will be held after completion of the application / inspection / remedy period. The date, time and place of the lottery will be posted on the Village website and bulletin board at least two weeks before the scheduled lottery. Lottery participants will be notified of the results by email.
 - 2. Applications selected in the lottery shall be issued a numbered STR permit two weeks after the lottery upon payment of the nonrefundable permit issuance fee. Applicants will have ten days after the lottery to pay the fee. Failure to pay the fee on time will result in the selected applicant's loss of eligibility for an Un-hosted STR permit.
- D. Temporary License: Approved applications that were not selected by lottery to receive an Un-hosted STR permit shall be eligible for a one-year Temporary License. In addition, all STRs in operation when this law is adopted shall be eligible for a one-year Temporary License upon application and inspection as detailed above. Owners with a Temporary License may be placed on the waiting list to seek a renewable Un-hosted STR Permit if any become available. Upon expiration of the Temporary License, the owner(s) shall cease operation of the STR.
- E. Issuance: Permits and Licenses shall be issued two weeks after the application / inspection / lottery period ends, upon provision of proof of insurance and payment of the nonrefundable permit or license issuance fee. All Permits and Licenses shall state:
 - 1. The names, addresses and phone numbers of each person or entity that has an ownership interest in the STR property.
 - 2. The name, address and phone number of the Contact Person who shall be available during the entire time the STR property is being rented.
 - 3. The license / permit number and expiration date.

4. The maximum occupancy for the STR property.
 5. The number of and location of parking spaces available.
 6. Any conditions imposed by the CEO.
- F. Waiting List: Applications for Un-hosted STR Permits which passed inspection but were not chosen by lottery to receive a permit may be placed on an ordered waiting list. Applications on the waiting list may become eligible for a permit if an issued permit is surrendered or revoked. If an application is brought forward from the waiting list, its new numbered permit shall have the same expiration date as the revoked or surrendered permit. The issuance fee for the new permit will be prorated by the month.
- G. Non-inaugural Permits: STR permit applications filed after the initial six month application period will be subject to all the requirements stated above. Approved non-inaugural applications for Un-hosted STRs may be added in order to the waiting list. Approved non-inaugural Hosted STR applications shall be issued a permit no later than two weeks after passing inspection and upon provision of proof of insurance and payment of the permit issuance fee.
- H. Notification: Upon issuance of any permit or license, the Village shall notify the owners of record of all adjacent properties by mail that an STR permit or license has been issued. The adjacent property owners will be notified of the permit or license number and the phone number of the Contact Person for the STR property, and that they may obtain a copy of the permit / license from the Village upon request. Adjacent property owners will be advised to notify the CEO promptly and in writing of any violations of the permit / license, this law, village zoning code, or NYS law. The adjacent property owners shall be notified by mail if a permit is not renewed or a license expires, or if either a license or permit is suspended or revoked.

Section XI. Application for Renewal of STR Permit.

- A. Application for permit renewal will be received if the following conditions are met:
1. A complete application for a two-year renewal of an STR permit shall be filed no fewer than two and no more than four months prior to expiration of current permit.
 2. The owner or authorized agent must present the current STR permit with the application to renew.
 3. The owner of the subject property has not had an STR permit from the Village of Aurora revoked in the previous two years
 4. A statement is provided attesting that the ownership of the property has not changed, the contact information of the owner(s) has not changed, the identity and contact information of the Contact Person has not changed, and all STR standards (Section IX) remain in effect. Should there be any changes, the aforementioned items shall be updated with current information and appended to the permit renewal form.
 5. The property passes an inspection performed by the CEO.
 6. There are no un-remedied complaints about conduct on the premises which disturbs the health, safety, peace or comfort of the neighborhood or otherwise creates a public nuisance.
 7. A Guest Log is submitted by owners holding Un-hosted STR permits, and said log demonstrates guest residency for a minimum of 30 nights and maximum of 90 nights during each year of the permit's two-year term. Should the minimum threshold not be met, the permit will be deemed to have been abandoned and shall not be eligible for renewal. Should the maximum limit of nights be exceeded, the permit will be deemed to have been violated and shall not be eligible for renewal. The Guest Log shall be a true and accurate record of the use of the STR property and shall include the dates and total

number of days rented, and number of guests. Guest Logs shall be certified as accurate by the owner and retained for at least three years.

B. Once an application for renewal is deemed complete by the CEO, a two-year renewed permit shall be issued upon the provision of proof of insurance and payment of the nonrefundable permit renewal fee.

Section XII. Application for search warrant.

At the request of the CEO or Board of Trustees, the Village Counsel is authorized to apply to the Town Court or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a sheriff in order to conduct an inspection of any premises believed to be subject to the permit jurisdiction of this law. The CEO may seek a search warrant whenever the owner or manager fails to allow inspections of any dwelling unit contained in the STR property where there is a reasonable cause to believe that there is a violation of this law, the New York State Uniform Prevention and Building Codes or any code of the Village of Aurora. Should violations be found, the owner shall be liable for any costs and reasonable attorney's fees incurred by the Village related to the issuance and execution of the search warrant.

Section XIII. Conformity and Display of STR Permit Information.

- A. STR permits are subject to continued compliance with the requirements of these regulations.
1. If the CEO has probable cause to believe that the owner is not in compliance with the provisions of this Law, the CEO may request permission from an owner to enter the premises and to conduct an inspection of the STR property for purposes of ensuring compliance with this local law. If the property owner refuses to allow the CEO to inspect the property within a reasonable period of time, the permit will be revoked. If an inspection authorized herein is conducted, the CEO shall use the results of such inspection in determining whether to attach conditions to the permit, suspend the permit or revoke the permit.
 2. The maximum occupancy limit, parking limit, house rules, STR permit or license number, and the name, address and phone number of the Contact Person shall be prominently displayed inside and near the front entrance of the STR.
 3. The STR permit holder shall ensure that current and accurate required permit information is provided to the CEO and that the CEO is notified immediately of any changes.
 4. If, based on such changes, the CEO issues an amended STR permit, the owners must immediately post the amended permit information inside and near the front entrance of the STR.

Section XIV. Grounds for Suspension or Revocation of Short-Term Rental Permit or License.

- A. The CEO may immediately suspend or revoke an STR permit or temporary license based on any of the following grounds:
1. Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
 2. Applicant failed to meet or comply with any of the requirements of this local law.
 3. Owner, applicant, tenant or guest has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to the occupancy of the STR; or an owner, applicant, tenant or guest is in violation of any provision of the Village's zoning code in relation to the property.
 4. Any conduct on the premises, which disturbs the health, safety, peace or comfort of the

- neighborhood or which otherwise creates a public nuisance.
5. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
 6. The CEO has been refused entry onto any part of the subject property or the STR for purposes of conducting any inspection called for in this law.
- B. If a permit or license is suspended for any of the above reasons, no guests may occupy the premises until the suspension is ended by the CEO after resolution of the grounds causing suspension.
 - C. In the case that a permit or license is revoked for any of the above reasons, all rental commitments shall be canceled. No portion of the permit or license issuance fee shall be refunded and the owner(s) may not re-apply for a permit within two years.
 - D. Notice of suspension, revocation, or restoration after suspension shall be sent immediately by email and first class and certified return receipt mail to the permit holder by the CEO with a copy filed in the Village office.

Section XV. Compliance, Penalties, Appeals and Fees.

- A. Violations of this local law or of any STR permit or temporary license issued pursuant to this local law shall be subject to enforcement and penalties prescribed in this law.
- B. If the CEO either witnesses or receives a written complaint of an alleged violation of this local law or of any STR permit or temporary license issued pursuant to this local law, the CEO shall properly record such complaint and immediately investigate the report thereon. If the CEO determines there is a violation of this code, the owner shall be notified by email and in writing by first class and certified return receipt mail of said violations and the CEO may take any or all of the following actions:
 1. Attach conditions to the existing STR permit or temporary license.
 2. Suspend the STR permit or license. Notice of Suspension shall be provided to the property owner and a copy filed with the Village Clerk. No guests shall use the property during suspension.
 3. Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of Suspension Notice from the CEO or the owner risks revocation of the STR permit or license .
 4. Issue a court appearance ticket for violation of a Village law.
 5. Revoke the STR permit or temporary license. If a permit or license is revoked, all owners of the STR are prohibited from obtaining an STR permit on the property for two years after the date of revocation. The CEO shall send Notices of Revocation to property owners and shall file a copy with the Village Clerk. Upon revocation of a permit or temporary license, all rental commitments for the STR shall be canceled and the STR shall cease operation.
- C. The property owner is entitled to appeal the CEO's determination to the Zoning Board of Appeals when an STR permit or license is suspended or revoked. A Notice of Appeal shall be filed with the Village Clerk and the Zoning Board of Appeals within 30 days of the CEO's filing of the Notice of Revocation or Suspension with the Village Clerk. A hearing shall be held by the Zoning Board of Appeals not more than 62 days after the filing of the Notice of Appeal. No guests shall use the property during the appeal process.
- D. Once inaugural permits / licenses have been issued, the fine for operating an STR without a valid permit or license, or with a revoked or suspended permit or license, shall be \$500 a day. Owners found to be operating an STR without a valid permit or license shall be ineligible to apply

for an STR permit for two years.

- E. The remedies herein provided are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.
- F. In addition to any penalties imposed by this section, an owner found in violation of this section shall be liable for any costs and reasonable attorney's fees incurred by the Village related to the enforcement of these provisions against the owner.
- G. Fees for STR Applications, Permits, Licenses, and Renewals shall be in accordance with the Village of Aurora fee schedule as determined and revised by the Board of Trustees from time to time.

Section XVI. Validity and Severability. Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section XVII. Repeal, Amendment and Supersession of Other Laws. All other ordinances or local laws of the Village which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section XVIII. Effective Date. This local law will take effect upon filing in the office of the NYS Secretary of State.
