

DRAFT - April 2024

Village of Aurora Local Law No.3 of the year 2024

A local law of the Village of Aurora Entitled: Short-Term Rentals.

Be it enacted by the Village Board of Trustees of The Village of Aurora as follows:

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 License.

Section I. Title. This local law shall be known as Short-Term Rentals and may be cited as local law No. 3 of 2024, of the Village of Aurora requiring owners to obtain a Short-Term Rental 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 in December, 2021, sets a primary goal to “preserve residential character” and stresses the need for more full-time residents. Aurora’s residential character, based upon a community of owner-occupied homes and long-term rentals, has been adversely impacted by a marked increase in short-term rentals.

Census figures indicate that residential housing vacancies due to seasonal, recreational and occasional use such as STR increased 400% in Aurora from 2010 to 2021. Property sales records and rental listings suggest that STRs nearly doubled between 2020 and 2023. The loss of full-time housing jeopardizes Aurora’s integrity as a functioning community and municipal entity.

While short-term rentals (STRs) may benefit some property owners, STRs remove full-time residential dwellings from the housing market and may create housing shortages and thereby reduce the number of full-time residents available to participate in local government, serve as emergency and public safety workers, share municipal water costs, and support community organizations. STRs may also diminish the community’s quality of life due to issues such as inadequate parking, improper trash disposal, excessive noise, and over-occupancy.

Regulating STRs will protect the health, safety, and welfare of persons occupying the STRs and neighboring properties, and assist to mitigate any adverse impacts to the community’s quality of life. Limiting the increase in STR properties may reduce the loss of full-time residential housing in the Village.

The Village recognizes that STRs have operated for several years and that owners may rely on the income that STRs generate. To that end, the Village finds that pre-existing STRs that have been in operation for at least one full year prior to December 31, 2023 may continue to operate provided that they comply with this law and NYS Uniform Fire Prevention and Building Codes and apply for and obtain an STR License.

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: see Dwelling Unit, Accessory.

Bed and Breakfast: See definition in Village of Aurora Zoning Law.

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 directly to the outside.

Boarding House: See definition in Village of Aurora Zoning Law.

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 Licenses, 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.

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.

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; may also be called a Multiple Dwelling or Apartment House.
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:** 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.

Family, Immediate: The relations of spouse, parent, child, or sibling by marriage, birth or adoption.

Floor Plan: An accurate plan drawn to scale for each level of a dwelling that can be occupied. The floor plan must include the location of all utilities and all rooms including bedrooms, sleeping areas with convertible furniture, food preparation areas, egress 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.

House Rules: A set of rules in compliance with the requirements of this law that shall apply to all guests of STRs. The House Rules shall be provided by the owner(s) to the renter as part of the rental contract and shall be prominently displayed by the owner inside and near the front entrance of the STR.

Inn: See definition in Village of Aurora Zoning Law.

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.

License, STR: A required two-year renewable License obtained by the owner(s) of a property for STR dwelling units on the property.

Local Manager: 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 ZO or any other law enforcement officer. Local Managers shall register in the Village Office with a signed agreement of availability and contact information.

Person, natural: a living human being, as opposed to a legal entity such as a corporation.

Pre-existing Short-Term Rental, Qualified: a short term rental, as defined herein, which is in operation for at least one full year as of December 31, 2023, as proven by payment of Cayuga County Occupancy Taxes.

Primary Residence: A person's legal residence or domicile, generally where they live for the majority of the year

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: See definition in Village of Aurora Zoning Law.

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, inn, dormitory, or ongoing month-to-month tenancies.

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 directly to the outside.

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

Zoning Officer (ZO): The duly trained employee of the Village of Aurora who is responsible for the local enforcement and administration of the Village Zoning Law and who is authorized by the Village to issue certain zoning-related permits, violations and stop work orders.

V. Required STR License

- A. Owners of Pre-existing STRs will have 90 days from the adoption of this law to complete an application for a renewable two-year STR License for a One-or Two-family dwelling.
- B. Owners of Pre-existing STRs may continue in operation while an application is diligently pursued until such time as approval is granted. If an application is denied due to Qualified Pre-existing STR operation being unproven, the owner shall have one year from said denial to conclude operation of the STR.
- C. Except for the provisions above, it shall be unlawful to operate a Short Term Rental without an STR License. The offering of all or a part of the property for lease through any form of advertising or on a website for a rental period of 30 consecutive days or less shall create a presumption that all or a part of a property is being operated as an STR. The foregoing presumptions may be rebutted by evidence presented to the ZO that the premises is not operated as an STR.
- D. The owner of a property with an Accessory Dwelling Unit who maintains their primary residence on that same property may apply for an STR License at any time.
- E. No STR Licenses shall be issued for properties in the Mixed Use or Open Space / Recreational Zones. STRs will be allowed by renewable license in all other Village zones.
- F. STR Licenses are non-transferrable outside of the owner's immediate Family, and shall be surrendered if the property is sold or otherwise transferred to any other Persons, companies, trusts, corporations, entities, or properties.
- G. The issuance of an STR License to an owner hereunder is a privilege, not a right. Any STR License shall be subject to revocation or suspension at any time during its term for violations enumerated herein.

Section VI. Application License Requirements for Pre-existing STRS.

- A. Application for an STR License with all required supporting documents shall be submitted to the ZO within 90 days of

the passage of this law in order to be eligible for consideration as a Pre-existing STR. Applications may be obtained at the Village Office.

- B. Only completed STR License applications will be accepted by the ZO. The application shall include a non-refundable application fee. The ZO may decline to accept an application for consideration if the documentation required by this local law is not adequately included or the application fee is not paid.

Eligible applications shall include:

1. An affidavit signed by the property owner(s) or their designated agent(s):
 - a. Attesting to the accuracy of all elements of the application required below,
 - b. Acknowledging present and ongoing compliance with all STR standards as defined in this law, and all relevant NYS Uniform Fire Prevention and Building Codes.
 - c. Providing written proof of authority for the Local Manager, and any other designated agent or representative, to act on behalf of the owner(s), LLC, partnership or other entity.
2. The property tax number of the subject property.
3. The names of all owners of the STR property with addresses, phone numbers and email addresses. This shall include all Natural Persons as well as all members, shareholders, officers, partners, trustees and/or principals if the STR property is owned by a limited liability company, corporation, trust, partnership or other entity. Subsequent changes in any of the above listed owners shall be reported to the ZO within 30 days of the change.
4. The name, address, telephone number and email address of a Local Manager 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 Local Manager must be over the age of 21 and available by phone 24 hours a day, 365 days a year, and shall appear at the rental unit within 60 minutes at the request of the STR guests, owner(s), the owners or occupants of an adjacent property, the ZO or other law enforcement officer. The Local Manager may be an owner-or agent designated by the owner(s). The Local Manager shall register with the Village and respond to correspondence from the Village Clerk and/or ZO within 24 hours.
5. A notarized signed agreement with the adjacent property owner(s) if said owner shares a driveway with the property owner applying for an STR License. The agreement shall give consent for the shared driveway to be used regularly by STR guests. A new agreement must be submitted anytime there is a change in ownership of the adjacent property.
6. A copy of the owner's proposed House Rules for guests renting the STR property.
7. The maximum adult sleeping capacity proposed by the owner(s), specifying how many individuals may be accommodated by each bedroom or sleeping area.
8. The number and location of proposed on-site parking spaces to be provided by the owner.
9. 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 for review by the ZO. 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 and sleeping areas, windows, exits, food preparation areas, and any heating or cooling units.
 - b. First floor – all rooms including bedrooms and sleeping areas, windows, exits, food preparation areas, and any heating or cooling units.
 - c. Second floor – all rooms including bedrooms and sleeping areas, windows, exits, food preparation areas, and any heating or cooling units.
 - d. Attic or Third Floor (if any) – all rooms including exits, windows, bedrooms and sleeping areas, food preparation areas, and any heating or cooling units.
10. Proof of operation as an STR for at least one year prior to December 31, 2023, consisting of a copy of a Cayuga County Certificate of Authority to Collect Occupancy Tax dating at least one a year prior to December 31, 2023, or evidence of payment of Cayuga County Occupancy Taxes by either the owner or a rental platform during two quarters spanning at least one year prior to December 31, 2023. If the owner(s) cannot verify operation sufficient to meet the standards of a Qualified, Pre-existing STR as described herein, the License application will be denied and the owner(s) shall be permitted to continue in operation for one year after said denial providing all the other application requirements above are met.

Section VII. Short-Term Rental Standards.

A. Property Requirements:

1. Rental periods shall be for no more than 30 consecutive days.
2. No portion of a basement, attic or third floor within the rental area shall be used for habitable STR space of any kind, unless approved by the ZO under the same conditions that would allow such use pursuant to the NYS Fire Prevention and Building Codes.
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, at least one carbon monoxide detector on each floor, and evacuation procedures posted in each sleeping room.
4. The STR unit shall be sufficiently 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 an STR property; and no camping shall be allowed.
6. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers to prevent leakage, spilling, animal intrusion or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.
7. The house number shall be clearly visible from both the road and the driveway.
8. No signage is allowed that defines the property as an STR.
9. Maximum occupancy for each STR based on the Floor Plan shall be established by the ZO.
10. Parking shall be allowed in approved off-street spaces and legal on-street spaces. A parking maximum based on occupancy shall be set by the ZO. No parking shall be located in the front yard or front setback unless it is conducted on a driveway which meets Village Zoning Law requirements.

B. Rental Contract Requirement: All applicants and License holders shall provide a rental contract to STR guests, which shall include the following:

1. The maximum STR unit occupancy and the maximum parking available;
2. The STR License number and expiration date; and
3. A copy of the 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 courtesy 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 and an emergency exit egress plan for all rooms.
 - e. The name, address and telephone number of the the Local Manager who will be responsible and available for emergencies and problems that may arise.
 - f. Instruction to dial 911 for emergency, fire, or ambulance assistance.
 - g. A property map that clearly depicts the STR property boundaries and a statement that STR guests may be held liable for illegal trespassing.
 - h. Identification of procedures for disposal of garbage and a statement that littering is illegal.
 - i. Prohibition of outdoor fires other than those contained in fire pits which must be attended at all times. Disallowance of all outdoor fires of any kind, including fire pits, during the NYS annual “No Burn” period of March 15 to May 15.
 - j. Prohibition of outdoor camping and prohibition of fireworks.
 - k. 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.
 - l. If a driveway is shared with an adjacent property owner, notice that the driveway is used in common with the adjacent property owner and shall not be blocked by STR guests.
 - m. Notification that STR shall not be employed for any commercial use or public events.

Section VIII. Issuance and Display of STR License

A. Following approval of the application, a License shall be issued upon payment of the License issuance fee. All STR 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 Local Manager who shall be available during the entire time the STR property is being rented.
 3. The License number and expiration date.
 4. The maximum occupancy for the STR property.
 5. The number of and location of parking spaces available.
- B. The Village shall notify the owners of record of all adjacent properties by mail that an STR License has been issued and provide the license number and the phone number of the Local Manager for the STR property. The adjacent property owners will be apprised of their right to notify the ZO promptly and in writing of conduct on the premises which disturbs the health, safety, peace or comfort of the neighborhood or otherwise creates a public nuisance, or possible violations of this law, the village zoning code, or NYS law.
- C. The STR License number, maximum occupancy, parking limit and locations, House Rules, and the Local Manager's name, address and phone number shall be prominently displayed inside and near the front entrance of the STR.

Section IX. Application for Renewal of STR License.

- A. Application for STR License renewal will be processed if the following conditions are met:
1. A complete application for a two-year renewal of an STR License shall be filed no fewer than two and no more than four months prior to expiration of current License.
 2. The owner or authorized agent presents the current License with the application to renew.
 3. The owner of the subject property has not had an STR License from the Village of Aurora revoked in the previous two years.
 4. There are no un-remedied recorded complaints about conduct on the premises which disturbs the health, safety, peace or comfort of the neighborhood or otherwise creates a public nuisance; there have not been habitual or excessive violations recorded by the ZO; and the License is not under notice of violation or suspension.
 5. An affidavit signed by all owners 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 Local Manager has not changed, the shared driveway agreement (if one is in effect) has not changed, and compliance with the STR standards established in this law remain in effect. Should there be any changes, the aforementioned items shall be updated and an affidavit shall be signed by all owners attesting to the accuracy of the changed information. The affidavit shall be appended to the License renewal form.
- B. Once an application for renewal is received and deemed complete by the ZO, a two-year renewable License shall be issued upon the payment of the nonrefundable License renewal fee.

Section X. Continued Compliance

- A. STR Licenses are subject to continued compliance with the requirements of these regulations and NYS Uniform Fire Prevention and Building Codes. The process for a notice of violation, suspension or revocation shall be as follows:
1. Upon receipt of a complaint of violation, or upon witnessing a potential violation, the ZO shall investigate to determine the presence of a violation.
 2. Upon finding that a violation was/is occurring, the ZO shall issue to the Owner and the Local Manager a notice detailing the alleged violation(s) as determined by the ZO. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
 3. No renewal licenses shall be issued until all notices of violation issued by the ZO are resolved.
 4. If the Owner does not comply with the specified corrective action by the date given in the notice, the ZO may suspend or revoke the STR License.
 5. The determination to suspend or revoke shall be reviewable on appeal to the Zoning Board of Appeals, in accordance with 19.03.D of the Village Zoning Law.
- B. The ZO may issue notice to suspend or revoke an STR License on any of the following grounds:
1. Applicant has falsified or failed to provide required information in the application for a License or the application for License renewal.
 2. Applicant has failed to meet or comply with provisions of this Law or the NYS Fire Prevention and Building Codes, **after having been provided appropriate notice of violation as specified herein, and an opportunity to cure said violation(s).**
 3. Owner, manager, or guest has removed any safety devices such as, but not limited to,

- smoke and carbon monoxide detectors, fire extinguishers and egresses.
4. Applicant failed to remedy complaints or violations after due notification by the ZO.
 5. Owner, manager, 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 or operation of the STR; or an owner, applicant, tenant or guest is in violation, past applicable time period(s) to cure the same, of any provision of the Village's zoning code in relation to the property.
- C. If a License is suspended, no guests may occupy the premises until the suspension is ended by the ZO after resolution of the grounds causing suspension.
 - D. In the case that a License is revoked, no guests may occupy the premises, all rental commitments shall be canceled. and the owner(s) may not re-apply for a License within two years.
 - E. Any notice of violation, suspension, revocation, or restoration after suspension shall be sent immediately by email and first class certified return receipt mail to the License holder and Local Manager by the ZO with copies filed in the Village office.
 - F. Adjacent property owners shall be notified by mail if a License is suspended, restored after suspension, not renewed or revoked.

Section XI. Enforcement, Fines and Fees

- A. Violations of this local law or of any STR License issued pursuant to this local law shall be subject to enforcement and penalties prescribed in this law and Village of Aurora Zoning Law.
- B. The fine for operating an STR without a valid License, or with a revoked or suspended License, or for failure to comply with any of the provisions of this Local Law shall, after due notice, be an offense punishable by a fine of not more than \$250 or imprisonment of not more than 15 days, or both, and each day such violation continues shall constitute a separate violation.
- C. Owners found to be operating an STR without a valid License shall be ineligible to apply for an STR License for two years.
- D. 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.
- E. The STR License application, issuance, and renewal fees shall be in accordance with the Village of Aurora fee schedules as determined and revised by the Board of Trustees from time to time.

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