

SHORT TERM RENTAL UNIT REQUIREMENTS

1. Must be one or two family dwelling.
2. Letter of intent.
3. A list of currently owned properties in the City of Niagara Falls.
4. Special permit required by the Zoning Board of Appeals. (Requirements attached)
5. Architect or engineer services required.
6. Plumbing and mechanical permits may be required.
7. Electrical permit may be required.
8. Building permit may be required.
9. Certificate showing the completion of the EXP program from Destination Niagara USA. Telephone Number (716) 282-8992.
10. Certificate of Compliance will be required.

1328.13 Short-Term Rental Units [reformatted (March. 2017_v.5)]

Short-Term Rental Units, also referred to as short-term rentals, and/or vacation rentals shall only be allowable on properties that comply with all of the requirements of this Chapter, and shall only be permitted to operate legally provided the owner obtains a short-term rental special permit as set forth in herein below.

A. Short-term rentals shall be defined as follows:

1. A dwelling unit consisting of a detached single-family residential structure or a dwelling unit in a two-family (duplex) residential structure that is rented as a whole unit and under a single booking for a period of less than 30 days.
2. Short-term rentals are not allowed in a multi-unit (three or more) residential structure.
3. The dwelling unit is rented in its entirety and not as rooms.
4. Only the owner of record (not renters or lessees) is eligible to apply for a short-term rental special permit. The short-term rental must be owner managed and operated. The special permit for a short-term rental is nontransferable.
5. No alteration to either the exterior or the interior of any principal or accessory structure shall be made that changes the character and appearance of the residential premises without prior approval of the Planning Office.
6. The rental unit is exclusively for lodging purposes and does not allow the dwelling unit to be used for special event gatherings or parties. Gatherings, special events, or parties include but are not limited to gatherings such as weddings, funerals, fundraisers or similar group gatherings.
7. Short-term rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under city, state or federal law.
8. Only structures approved for residential use, under the Building Code, are to be covered by a special use permit. A yard, storage shed, trailer, garage or temporary structure, such as a tent, is examples structures prohibited from use as a short-term rental.
9. No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.

B. Short-Term Rental Unit Special Permit Requirements. As part of the application process under this Chapter, the applicant shall provide the following documents to the Planning Office:

1. Completed Applications, together with the applicable fee(s), payable to "City Controller" and;
2. A site plan as per Chapter 1324 of the entire property, and;
3. An interior floor plan of the residential unit to be permitted under this Chapter.
4. An owner shall establish that the proposed short-term rental unit will not contribute to the loss of neighborhood character or otherwise create a threat to public health, safety or welfare by providing the following:
 - a. Letter or written statement from the Department of Code Enforcement stating that all of the owner's properties in Niagara Falls are in good standing with no pending

housing court or other code violations, and a Certificate of (Code) Compliance for the subject dwelling unit.

- b. Letter or written statement from the Niagara Falls Police Department indicating the number of 911 calls and arrests attributed to the owner's properties in Niagara Falls.
 - c. Letter or written statement from Department of Public Works indicating that there are no outstanding complaints or concerns for any of the owner's properties in Niagara Falls.
 - d. Letter or written statement from the City Controller - Billing and Collection Division indicating that the owner is not delinquent on any payment to the city of any fees, penalties, taxes or any other monies related to the property.
 - e. Letter or written statement from the Niagara County Department of Health indicating that there are no active complaints or pending investigations for any of the owner's properties in Niagara Falls.
 - f. Records demonstrating that the owner has successfully completed the EXP Program given by Destination Niagara USA. (716-282-8992)
5. Health and Safety.
- a. All Short Term dwelling units shall provide working fire extinguishers, interconnected and hardwired smoke and carbon monoxide detector/alarms, located as required for new dwellings.
 - b. No sleeping rooms shall be located above the second story.
 - c. A fire safety notice shall be affixed to the occupied side of the entrance door of each bedroom indicating:
 - i. Means of Egress, which shall include at least one of the following alternatives:
 1. A limited area sprinkler system installed in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
 2. An exterior stair, in conformance with the Codes of NYS relative to one- and two-family dwellings, providing a second means of egress from all above grade stories or levels; or
 3. An opening within each bedroom for emergency use, in conformance with the Codes of NYS relative to one- and two-family dwellings. Such opening having a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds; and shall extend to and provide unobstructed egress to an open space at grade.
 - ii. Location of means for transmitting fire alarms, if any; and
 - iii. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
6. Compliance.
- a. The owner of a short-term rental shall be responsible for any nuisance violations arising at a property during short-term rental activities.
 - b. The owner of a short-term rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including

parking standards. In any event, no overnight occupancy should be permitted which violates the International Fire Code (IFC).

- c. It shall be the responsibility of owners to have and maintain a valid sales tax certificate as required by New York State Law and to collect and remit the applicable occupancy and sales taxes as required by law, ordinance or regulation.

7. Occupancy.

- a. The owner shall limit overnight occupancy of the short-term rental (dwelling unit) to not exceed two persons per room, which are designated as bedrooms.
- b. The owner shall maintain a guest registry identifying the name and address of principle guest(s) in addition to arrival and departure dates of guests.
- c. The guest registry shall be made available to the various departments of the City of Niagara Falls, New York, including but not limited to the Police Department, Fire Department and Code Enforcement Department upon request.

C. **Duration.** A short-term rental unit special permit shall be valid for a period of four (4) years from the date of issuance, unless suspended or revoked. Each special permit shall be renewable for additional four (4) year periods upon completion of the application process set forth herein.

D. **Permit Renewal.** The applicant shall renew the permit for additional four-year periods. Such renewals are subject to site plan review and approval by the Planning Board, any fees applicable to the review of the special use permit application, and approval by the Zoning Board of Appeals. No less than 15 days prior to the meeting at which the renewal is being considered, the Planning Office shall notify the Code Enforcement Office and request that a building inspector provide a description, in writing, of any changes that have occurred since the time the special use permit was approved or last renewal and a list of violations or complaints, if applicable. The Zoning Board of Appeals shall consider all Planning and Building Inspector's reports and recommendations, along with the application materials, in making their respective determinations.

E. **Penalties and Enforcement.**

1. Any permit issued pursuant to this chapter is subject to continuing compliance with the conditions set forth herein, as well as, any applicable laws or ordinances.
2. The Building Inspector shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable New York State Code.
3. In the event that the Department of Code Enforcement determines that a violation exists, the Department of Code Enforcement shall inform the owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time not to exceed thirty (30) days to remedy all existing violations or show cause for delay, which may only be granted once, by the Director of Code Enforcement, for a time period not to exceed ninety (90) days.
4. Failure to remedy violations.

- a. Following the expiration of the time period set forth in Section 1328.13(E)(3) above, the short-term rental unit special permit shall be guilty of a violation and such permit shall be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty-day suspension, the short-term rental unit special permit shall be considered guilty of a second violation.
 - b. The short-term rental unit special permit guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty-day suspension, shall be considered a third violation.
 - c. The short-term rental unit special permit guilty of a third violation shall be immediately revoked for that owner and location.
5. An owner that has a permit revoked may not apply or be granted another permit for a period of two (2) years from the date of revocation, and no such permit shall be reinstated unless the owner has demonstrated that all violations have been corrected and that he/she/it is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of subsequent application under this Section.
 6. In addition to the penalties set forth in Section 1328.13(E)(4) above, any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250 or by imprisonment for a period not to exceed fifteen (15) days, or both for each violation.