

**Intro to Local Law No. 2 of 2025 - A Local Law Creating a Chapter in the Town Code
Titled Short Term Rentals**

Chapter 201 Short Term Rentals

S. 201-1. Findings and purpose.

The Town of Cheektowaga hereby finds that unregulated short-term transient occupancy of dwelling units in residential neighborhoods presents endangerment to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located. The purposes of this article are to:

- A. Balance the desire of property owners to rent their residential properties for a reasonable rate of return to short-term rental guests for compensation against the desire of residents to preserve the traditional character of their residential neighborhoods;
- B. Preserve and protect residential neighborhood livability from impacts that are often associated with short-term rentals;
- C. Comply with the Uniform Code for the health and safety of occupants of short-term rentals and existing residents.

S. 201-2. Scope; applicability.

- A. Scope. This article shall apply to all rental dwelling units located within the Town of Cheektowaga, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as provided in this article. Any dwelling unit or any other premises subject to this article shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.
- B. Applicability. The provisions of this article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provisions of this article and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this article does not make legal any action or state of facts that is otherwise illegal under any other applicable legislation.

S. 201-3. Presumptive evidence of violations of article.

- A. It shall be presumed that a single- or one-family dwelling unit is occupied by more than

one family if it contains more than one kitchen or if two or more of the following features are found to exist on the premises by the Code Enforcement Official authorized to enforce or investigate violations of Chapter 70 (Buildings Construction Codes Administration) of the Code of the Town of Cheektowaga or any laws, codes, rules and regulations of the State of New York:

- (1) More than one mailbox, mail slot or post office address;
- (2) More than one doorbell or doorway on the same side of the dwelling unit;
- (3) More than one gas meter;
- (4) More than one electric meter;
- (5) More than one connecting line for data and/or cable television service;
- (6) More than one antenna, dish antenna or related receiving equipment;
- (7) Separate entrances for segregated parts of the dwelling unit, including but not limited to bedrooms;
- (8) Partitions or internal doors with locks which may serve to bar access between segregated portions of the dwelling unit, including but not limited to bedrooms;
- (9) Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit among its owners and occupants;
- (10) The inability of any occupant to have lawful access to all parts of the dwelling unit; or
- (11) A separate entrance leading directly to a separated living space containing a bathroom.

- B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

S. 201-4. Presumptive evidence dwelling unit is rented.

A. Within the context of rental registration enforcement and prosecutions, the presence or existence of any of the following shall create a rebuttable presumption that a premises is being used as a rental occupancy:

- (1) The dwelling unit is occupied by someone other than the owner and the owner of the dwelling unit represents in writing or otherwise, to any person, establishment, business, institution or government agency, that he or she resides at an address other than the dwelling unit in question;
- (2) Persons residing in the dwelling unit represent that they pay rent to the owner of the premises;

- (3) Utilities, cable, telephone or other services are in place or are requested to be installed or used at the dwelling unit in the name of someone other than the owner;
 - (4) Testimony by a witness that it is common knowledge in the community that a person other than the owner resides in the dwelling unit;
 - (5) Persons residing in the dwelling unit represent that they pay rent to the owner of the premises;
 - (6) There are separate entrances for segregated parts of the dwelling;
 - (7) There are partitions, key locks, or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;
 - (8) There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof;
 - (9) Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all parts of the dwelling unit;
 - (10) Two or more kitchens each containing one or more of the following: a range, oven, hot plate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;
 - (11) A premises has been advertised on the Internet, in any newspaper, magazine, on a website, local advertising publication, or posted or billed as being available for rent.
 - (12) There is more than one mailbox at the premises;
 - (13) There is more than one gas meter at the premises;
 - (14) There is more than one electric meter at the premises;
 - (15) There is more than one doorbell at the premises;
 - (16) There are three or more motor vehicles registered to the dwelling and each vehicle owner has a different surname;
 - (17) There is no electric meter annexed to the exterior of the premises.
- B. The presumptions set forth in Subsections A above, subject to the limitations contained therein, shall also be applicable to enforcement and prosecution of residential illegal use and occupancy violations.
- C. Nothing herein shall be construed to prevent persons living together as a family unit, with the owner, as defined by this Code.

- D. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

S. 201-5. Presumptive evidence of owner's residence.

- A. It shall be presumed that an owner of a dwelling unit does not reside within said dwelling unit if one or more of the following sets forth an address which is different than that of the dwelling unit:
 - (1) Voter registration;
 - (2) Motor vehicle registration;
 - (3) Driver's license; or
 - (4) Any other document filed with a public agency.
- B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

S. 201-6. Required permit/license.

- A. Owners shall not use their property as a short-term rental without being registered with Erie County for purposes of occupancy tax registration and the Town of Cheektowaga to obtain a revocable short-term rental permit/license.
- B. A short-term rental permit/license shall be valid for two years and must be renewed 45 days' prior to expiration of the current permit/license if the premises are to continue to operate as a short-term rental.
- C. The short-term rental permit/license is not transferable to a new owner. The new owner of the premises subject to a short-term rental permit/license must file a new permit/license application and be granted a short-term rental permit/license.
- D. Notwithstanding the foregoing, those properties with short-term rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals but must apply for a permit/license within 120 days of this chapter's effective date for all future short-term rental commitments. In the event such an application is denied, all commitments shall be cancelled.

S. 201-7. Definitions.

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

ADVERTISING — Any form of communication for marketing that is used to encourage or persuade viewers, readers or listeners to contract for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

AUTHORIZED ACCESSORY DWELLING UNIT — A residential living unit, subordinate to a one- family detached dwelling unit, that has been approved by the Town of Cheektowaga, and that has a valid certificate of occupancy, or that has been recognized by the Town of Cheektowaga as an existing habitable structure for human habitation, lodging or sleeping purposes.

APARTMENT BUILDING — A building or portion thereof containing three or more dwelling units arranged, intended, or designed to be occupied by three or more families living independently of each other in a dwelling unit.

CLERK — The Town Clerk of the Town of Cheektowaga.

DAY — Calendar day, including Saturday, Sunday, and holidays.

FAMILY — One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single-or one-family dwelling unit as a traditional family or the functional equivalent of a traditional family, having access to and utilizing the whole of such dwelling unit, including but not limited to all rooms and housekeeping facilities, in common.

- A. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
1. The group is one which in structure and function resembles a traditional family unit; and
 2. The occupants must share the entire single- or one-family dwelling unit and live and cook together as a single housekeeping unit without separation created by key locks, partitions, or walls. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family; and
 3. The occupants share expenses for food, rent, ownership costs, utilities and other household expenses; and
 4. The occupancy is permanent and stable. Evidence of such permanence and stability includes, but is not limited to:
 - (a) The presence of minor children regularly residing in the household

who are enrolled in local schools;

(b) Members of the household have the same address for purposes of voter registration, drivers' licenses, motor vehicle registration, filing of taxes and delivery of mail;

(c) Members of the household are employed in the area;

(d) The household has been living together as a unit for a year or more whether in the current dwelling unit or in other dwelling units.

(e) Common ownership of furniture and appliances among the members of the household; and

(f) Any other factor reasonably related to whether or not the occupants are the functional equivalent of a family.

KITCHEN — An area within a building which contains a sink, a refrigerator and an element utilized for heating or cooking of consumable goods.

MANAGING AGENT — Any individual, business, partnership, firm, corporation, enterprise, trust, company, industry, association, public utility or other legal entity responsible for the maintenance or operation of any rental property as defined within this article.

OWNER — A person who is the titled owner of a piece of real property or the owner of a mobile home located within a mobile home park in the Town of Cheektowaga.

PERSON — Any individual, group, organization, corporation, company, entity, charitable organization, partnership or similar association.

PROPERTY — Any real property or mobile home situated on real property, whether as a rental unit or not, located within the corporate limits of the Town of Cheektowaga.

RENTAL — An agreement granting use and/or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, barter, labor, services, credits or other valuable consideration.

RESIDENT — Individual(s) living in the Town of Cheektowaga for more than six months and a day out of a twelve-month period calculated from the first day of the calendar year.

SERVICES — Work, labor, or services, whether bartered or not.

SHORT-TERM RENTAL — A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive days and is not otherwise regulated by another section of the Code of the Town of Cheektowaga.

SHORT-TERM RENTAL UNIT — A dwelling or other structure, including, but not limited to, an accessory structure, residence, commercial and/or industrial building that is used for sleeping purposes, in any form whatsoever, not occupied by the owner of the real property that is subject to a rental, barter, and/or exchange, in whole or in part, for a period of less than 30 consecutive calendar days as defined above.

TOWN — Town Board of the Town of Cheektowaga, or its designee.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code,¹ and the New York State Energy Conservation Construction Code,² and the Code of the Town of Cheektowaga, and as currently in effect and as hereafter amended from time to time.

S. 201-8. Compliance with Town, county and state laws required.

No rental occupancy permit or renewal thereof shall be issued upon any application unless the property shall be in compliance with all the provisions of the Code of the Town of Cheektowaga, the Building Zone Ordinance of the Town of Cheektowaga, New York State Uniform Fire Prevention and Building Code, the laws and sanitary and housing regulations of the County of Nassau and the laws of the State of New York.

S. 201-9. Prohibited practices.

- A. It shall be unlawful for any person and/or owner to use any property within the Town for purposes of a short-term rental without first obtaining a permit from the Clerk after inspection and approval by the Code Enforcement Officer.
- B. It shall be unlawful for any person and/or owner to not display a permit or certificate of registration obtained from the Clerk on the property.
- C. It shall be unlawful for any person and/or owner to permit any individual or group using such short-term rental property from engaging in illegal or other activities which a reasonable individual would consider to be disruptive to adjoining residences or the neighborhood.
- D. It shall be unlawful for any person and/or owner to permit parking in any area other than a driveway or designated parking area as determined by the Code Enforcement Officer.

S. 201-10. Prohibited activities.

- A. The short-term rental of property to short-term rental guests that is not in compliance with this article.
- B. Providing false information with respect to a registration.
- C. Detached accessory building (other than an authorized accessory dwelling unit as defined herein), vehicle (including a recreational vehicle or camper van), trailer, tent or mobile residential equipment (other than a mobile home) may not be registered as a short-term rental.
- D. Advertising any short-term rental without a Town-issued registration number included in the advertisement.
- E. Notwithstanding any other ordinance provision to the contrary, signage identifying, advertising, providing wayfinding for or otherwise related to use of the dwelling unit as a short-term residential rental, either on- or off-site.
- F. Short-term rentals in nonresidential buildings, unless a specific portion of the building

is recognized by the Town as an existing habitable structure for human occupancy for lodging or sleeping purposes.

- G. Short-term rental guests shall not rent, sublease, sublicense or assign all or any portion of the short-term rental to another person during the rental period.
- H. Parties, conferences, family reunions, weddings, fundraisers or similar gatherings, including commercial gatherings, that are reasonably foreseeable to involve an assemblage of vehicles or persons more than the maximum allowable number of short-term guests to be conducted by short-term rental guests during a short-term rental, unless approved by the Town under a separate event permit.
- I. On-street parking is prohibited. Vehicles are not to block neighboring properties' mailboxes or community mailboxes.
- J. No RV's or Campers are to be parked in the driveway and no tent camping in the yards on the property being leased.
- K. Littering is illegal; and failure to dispose of pet waste properly (if applicable) is prohibited.
- L. Recreational campfires must be attended and not disturbing the neighbors from size or smoke. Bonfires are not permitted. Fires, if permitted, are subject to state and local ban periods.

S.201-11 Occupancy Limits

- A. Maximum occupancy: 2 persons per legal bedroom, plus 2 additional persons per unit, not to exceed 10 occupants total; or as authorized by the Town of Cheektowaga Building Inspector.
- B. Daytime gatherings (non-overnight guests) shall not exceed 6 additional people.

S. 201-12. Short-term rental standards.

A. Property requirements.

- (1) Property must comply and meet all current NYS Uniform Fire Prevention and Building Code, as amended.
- (2) There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
- (3) Evacuation procedures must be posted in each sleeping room 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.
- (4) There shall be an ABC fire extinguisher installed per code on each floor and in the

kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit/license holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the permit/license holder shall be maintained and made available to the Code Enforcement Officer upon request.

- (5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process and subsequent inspections. Any defects found shall be corrected prior to permit/license issuance.
- (8) All fireplaces shall comply with all applicable laws and regulations.
- (9) The property must have a minimum of one off-road parking space for every bedroom shown on the floor plan included with the application. Renters shall utilize on-site parking during their stay.
- (10) Maximum occupancy for each short-term rental unit shall not exceed two people per bedroom shown on the floor plan included with the application and two people per minimum full-size convertible sleeping accommodation furniture (i.e., futon, hide-a-bed) also identified on the floor plan. The maximum occupancy of a short-term rental unit shall not exceed 12 people, including permanent residents and renters.
- (11) In the event that the property has a private septic system, the maximum occupancy shall be defined by the capabilities of the septic system but in no event shall overnight occupancy for any short-term rental unit exceed 10 people total.
- (12) A septic system at the property must meet all state requirements.
- (13) If a private sewer, the septic system shall have been pumped within the past four years, and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be available to the Code Enforcement Officer. Proof of adequate capacity shall be submitted to the Code Enforcement Officer. Once a short-term rental permit/license is issued, the septic system must be pumped at least once every four years.
- (14) The water supply to the property shall meet all state requirements.
- (15) One static sign identifying the short-term rental shall be allowed, measuring no more than six square feet on a side. The sign may be double-sided but shall not be internally lighted. The location, design and dimensions of the sign shall be reviewed and approved by the Code Enforcement Officer prior to issuance of the permit. If signage is desired after a permit/license has been issued, the short-term rental permit/license holder must submit a request for review and approval to the Code Enforcement Officer prior to installation. If the property has vehicular access on more than one road, there may be

one sign fronting on each road.

(16) All guest parking must be on-site. No parking is allowed on neighborhood streets.

(17) Maximum of 1 vehicle per bedroom, not to exceed 4 vehicles total.

(18) Insurance standards. All applicants and permit/license holders must provide evidence of property insurance and a certificate of liability insurances indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the short-term rental permit.

(19) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be always secured with tight-fitting covers to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick-up time.

(20) Rental contract. All applicants and permit/license holders shall have a rental contract, which will be provided at the time of application or at such times as revised.

(21) Maximum on-site parking provided; and on-street parking is prohibited.

B. Good neighbor statement providing:

(a) The short-term rental is in a residential area in the Town of Cheektowaga, and renters must be considerate of the residents in neighboring homes.

(b) Guests are required to observe quiet hours from 11:00 p.m. through 7:00 a.m.

(c) All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct.

S. 201-13 Application Requirements

A. Application.

(1) Applications for a permit or certificate of registration shall contain the following information:

(a) Name, address, telephone number, and electronic mail address of the person to be conducting the rental sale or other activity; The name, telephone number, electronic mail address, and address of the business or organization for which the permit or certificate of registration is sought, or if acting as an agent, the name, address, electronic mail address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(b) The name, address, telephone number, cellular number, and email of any individual who shall be authorized to act on behalf of the owner to promptly rectify and remedy any violations of the standards related to the permit;

- (c) A copy of the survey with respect to such property;
 - (d) Proof of insurance on the premises;
 - (e) The number of persons intended to be accommodated by, and to reside in, each such rental dwelling unit.
 - (f) Proof of compliance with all aspects of County of Erie registration requirements and procedures.
 - (g) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this part;
 - (h) Such other information as may reasonably be required by the Town Board as a condition to registration or permitting or to permit investigation into the applicant's background and past practices.
- (2) The application shall be signed by the applicant and all owners of the real property and shall be accompanied by the fees established in the Town's fee schedule, as amended by the Town Board from time to time.
 - (3) All applications shall be made at least 60 days prior to conducting any activities requiring a permit, except as provided for otherwise in this Chapter.
 - (4) In the event of an existing short-term rental operation as of the date of this part, the owner and/or operator of the rental facility shall apply for a permit within 60 days of the effective date of this part. Such rentals may continue pending a determination by the Town.

S. 201-14 Safety Requirements

Each Short Term Rental must:

- a. Have working smoke and carbon monoxide detectors as required by Town Code.
- b. Provide fire extinguishers on every floor.
- c. Post an emergency contact sheet including local emergency numbers and the host's local contact.
- d. Have a clearly posted occupancy limit, parking rules, "Quiet Hours" and Nuisance Law inside the unit. (Also should include refuse and recycling pickup schedule and rules)

S. 201-15. Regulations.

- 1. Use by owner. Use of a short-term rental by a record owner of a property for personal use by such owner shall not be considered a rental under this part.

2. Permit required. An owner shall obtain a permit whenever a dwelling unit is used for purposes of a short-term rental.
3. No STR shall operate without a valid Short-Term Rental Permit issued by the Town.
4. Permits are valid for one year and must be renewed annually at a cost to be determined by the Town of Cheektowaga Town Board by way of resolution.
5. The Town shall maintain a registry of all permitted STRs.
6. Unless otherwise provided, all licenses or permits required by the ordinances or local laws of the Town of Cheektowaga shall be issued by the Town Clerk who shall collect the fees therefor; permits shall not be issued without a compliance letter from the Town of Cheektowaga Code Enforcement Department.
7. Smoke detectors. There shall be one functional smoke detector in each sleeping room and at least one functioning smoke detector in a least one other room in addition to a functioning fire extinguisher in the kitchen and at each exit and at least one carbon monoxide detector.
8. Inspection. The Code Enforcement Officer shall undertake an inspection prior to the issuance of any permit. Such inspection shall include, but not be limited to, the following requirements which must be maintained at all times by the owner and applicant. In the event that the Code Enforcement Officer determines that the necessary requirements have not been met or that the application is incomplete or inaccurate, the Code Enforcement Officer shall have the authority to request additional or corrected information and no permit will be issued until such information is received and reviewed within 10 days by the Code Enforcement Officer.
9. In the event that the owners do not reside in the residence or otherwise be within the geographical limits of the Town of Cheektowaga at the time that the property is used for a short-term rental, the owner shall provide local (i.e., County of Erie) contact information (i.e., name, address, electronic mailing address, telephone number, cellular number) of all individuals with the authority to handle any issues and/or concerns which may arise in their absence.

S. 201-16 Noise and Nuisances

1. Short Term Rentals must comply with the Town's Noise ordinance (Chapter 166).
2. Hosts are responsible for tenant behavior. Violations by guests will be treated as violations by the host and subject to the Town's Nuisance Law.
3. Outdoor amplified music or speakers are prohibited at all times.

S. 201-17. Investigation, approval or disapproval.

- A. The Code Enforcement Officer may conduct such background checks as may be deemed necessary and prudent. The following shall be grounds for denying a permit:
- (1) Failure of an applicant to truthfully provide any information requested by the Town as part of the application process.
 - (2) Failure of the applicant to pay any required fee.
 - (3) When an applicant has a bad business reputation. Evidence of a bad business reputation may include prior revocations of any permit or license, prior convictions for violation of any federal or state law or regulation or of any local ordinance, which adversely reflects upon the person's ability to conduct the business or other operation/activity for which the permit is being sought, or prior complaints with the Town, Better Business Bureau, State Attorney General, or other similar business or consumer rights office.
 - (4) Evidence of a history of human trafficking activities involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property shall be considered but not disqualifying.
 - (5) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application.
 - (6) The applicant offers no proof of authority to serve as an agent.
 - (7) The applicant has been denied a permit under this part within the immediate past year, unless the applicant can and does show to the satisfaction of the Town that the reasons for such earlier denial no longer exist.
 - (8) Such other legitimate reason as may be determined by the Town Board.
 - (9) The Code Enforcement Officer may also impose such conditions on any approval that shall be deemed reasonable and prudent by the Board.
- B. Refusal of license or permit; appeal. In the event that the Code Enforcement Officer shall refuse to approve a license or permit, the person who has been refused a license or permit may appeal to the Appeals Panel, which shall, upon a favorable majority vote, order the Town Clerk to issue a license or permit to the applicant.
- C. Suspension of license or permit. Where any person, owner, other entity for which a license is issued by the Town Clerk is or is about to become a nuisance or menace to the peace, comfort and health of the Town of Cheektowaga or its inhabitants, the Code Enforcement Officer shall have the right to immediately suspend such license or permit upon serving written notice to the holder of such license or permit or upon any person in charge of such short-term rental, pending a decision by the Appeals Panel.

S. 201-18. Permit expiration.

All permits and/or certificates issued under the provisions of this part shall expire on December 31 of each year.

S.201-19. Transfer prohibited.

It shall be unlawful for any person to transfer the permit issued to any other person. Notice of any property transfer shall be provided to the Clerk. All permits shall immediately expire upon such property transfer and the new owner and/or person must apply for a new license and/or permit.

S. 201-20. Grounds for suspension or revocation of permit.

- A. The Code Enforcement Officer may immediately suspend or revoke a short-term rental permit/license based on severity of any of the following grounds:
- (1) Applicant has falsified or failed to provide information in the application for a permit/license or the application for permit/license renewal.
 - (2) Applicant has failed to meet or comply with any of the requirements of this chapter.
 - (3) The owner is in violation of any provision of the Code of the Town of Cheektowaga related to the premises.
 - (4) The owner 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 short-term rental.
 - (5) Any conduct on the premises which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance.
 - (6) Removal or disrepair of any safety devices, such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

S. 201-21. Notice and hearing.

Notice of a hearing for revocation of a permit issued under this part shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be faxed, sent electronically, or mailed to the permit holder at the address shown on the permit application or at the last known address of the permit holder or by causing a copy of such notice to be personally delivered the applicant. In either case, the permit will be deemed revoked upon mailing or delivery of such notice.

S. 201-22. Appeals.

- A. Any person aggrieved by the action or decision of the Code Enforcement Officer to deny, suspend or revoke a permit applied for under the provisions of this part shall have the right to appeal such action or decision within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds

for the appeal.

- C. The Clerk shall transmit the written statement to the Code Enforcement Officer, Town Attorney, and the Supervisor within 10 days of its receipt and the Supervisor shall set a time and place for a hearing on the appeal.
- D. A panel to hear the appeal shall be convened and be comprised of the Code Enforcement Officer (or her/his designee), the Chief of Police (or her/his designee) and the Director of Administration and Finance (or her/his designee).
- E. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement by the Town Clerk. Delays due to request by respondent shall not be grounds for dismissal in such event that the hearing takes place beyond the 20-day period described above.
- F. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- G. The decision of the Appeals Panel on appeal shall be final and binding.

S. 201-23. License fees; expiration date.

Unless otherwise stated, all license fees shall be paid to the Town Clerk, and all licenses shall be issued yearly and shall expire on the last day of the December. The fees for licenses and permits shall be determined by resolution of the Town Board of the Town of Cheektowaga at its organizational meeting. Fees submitted with permit applications shall be non-refundable in such event as a permit is denied, suspended or revoked.

S. 201-24. Posting or production of licenses.

All licenses or permits issued by the Town of Cheektowaga shall be posted in a conspicuous place in the building licensed or in the place where the business licensed is carried on. All other licenses or permits shall be kept in a convenient place where they can be readily produced upon demand by the Clerk, the Town Board or persons duly authorized to demand the same.

S. 201-25. Transferability.

No permit or certificate of registration shall be transferred to any other person other than the person to whom it was issued. Each individual person conducting activities for any organization must obtain a separate permit or certificate of registration.

S. 201-26. Penalties for offenses.

- A. Any person violating any of the provisions of this part shall, upon adjudication thereof, be subject to punishment by a fine not exceeding;
 - a. \$500.00 for a first offense.

- b. Second violation within 12 months: \$1,000.00 fine.
 - c. Third violation within 12 months: \$1,000.00 fine and permit suspension.
- B. The continuation of an offense under this part shall constitute, for each day the offense continues, a separate and distinct violation hereunder.
- C. In addition to any criminal enforcement, the municipality or any individual may pursue any available civil remedies available under law as deemed appropriate and necessary.

S. 201-27. When effective.

This part shall become effective upon filing with the Secretary of State.

