

Village of Lancaster Local Law _____ of the year 2026

A Local Law Amending Chapter 350 Zoning to Administer, Govern, and Restrict Short-Term Rental Properties.

Whereas the Village Board of the Village of Lancaster desires to enact Village Code provisions to ensure that with respect to short-term rental properties, the health, safety, well-being, and quality of life of Village residents and of those persons occupying such properties are protected;

Now;

Be it enacted by the Village Board of the Village of Lancaster, New York as follows:

1) Section 350-10. " Severability" of Village Code Chapter 350 shall be amended to read as follows:

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Chapter or Chapter 292, Part 1, shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Chapter or Chapter 292, Part 1.

2) The following rows listed under "Residential Uses" within the MU Districts Use Table referenced at §350-17A.(6) shall be amended as follows:

"Dwelling, single-family" shall be amended to read "Dwelling, single-family. See Article XIV",

"Dwelling multifamily" shall be amended to read ""Dwelling multifamily. See Article XIV."

"Upper-story dwelling" shall be amended to read "Upper-story dwelling. See Article XIV."

3) The "flush language" at §350-18. R-1 "Residence Districts" shall be amended to read as follows:

Subject to Article XIV, the following regulations shall apply in R-1 Residence Districts:

4) The following rows listed under §350-44.1 "Required off-street parking, loading and stacking regulations", paragraph A. "Off-street parking schedule. Off-street regulations shall be as follows:" shall be amended as follows:

"Tourist home, hotel, motel, rooming or lodging house" shall be amended to read "Hotel or motel." Within the same row "1 for each unit accommodation" shall be amended to read "1 for each sleeping room".

5) Section 350-102 of Chapter 350, Article XIII, shall be repealed in its entirety.

6) Article XIV shall be added to Chapter 350 Zoning to read as follows;

Article XIV. Short Term Rentals

§ 350-102. Legislative intent.

The Board of Trustees of the Village of Lancaster has determined that, given the popularity of such short term rental practices as Airbnb, VRBO and other such sites whereby owners of residential properties rent out all or parts of their properties on a short-term basis, it is necessary to enact reasonable regulations to ensure that with respect to short-term rentals, the health, safety, well-being and quality of life of Village residents and of those persons renting such properties are protected.

The Board of Trustees, therefore, enacts this Article for the requirement, administration, and enforcement of permits for all short-term rental properties within the Village of Lancaster and to prohibit short term rentals other than owner occupied residences within residential zoned districts.

§ 350-103. Definitions.

For the purposes of this Article, the following definitions shall apply:

AUTHORIZED VILLAGE OFFICIAL - The Village of Lancaster Building Inspector or the Village of Lancaster Code Enforcement Officer. The Village Board, may in its discretion assign particular tasks of an Authorized Village Official as set forth in this Article to either the Building Inspector, the Code Enforcement Officer or both.

DWELLING - As defined at §350-84 and any subsequent recodifications and revisions thereto.

DWELLING UNIT- As defined at §350-84 and any subsequent recodifications and revisions thereto.

OWNER-OCCUPIED SHORT-TERM RENTAL — A Short-Term Rental that is the principal residence of at least one natural person who holds an ownership interest in the property, and who actually occupies the property as such person's usual and customary residence.

SHORT-TERM RENTAL

Rental of a dwelling unit for a period of less than 30 continuous days.

A dwelling unit intended to be used for short-term rental.

SHORT-TERM RENTAL PERMIT - A permit issued by an Authorized Village Official stating that the referenced dwelling unit conforms to the standards of the New York State Uniform Fire Prevention and Building Code, including the Property Maintenance Code of New York State, and that occupancy of that dwelling unit is permitted for Short-Term Rental. Any special circumstances or conditions under which occupancy is permitted may be specified on the permit.

SUBSTANDARD CONDITION-Any condition in a dwelling unit or the dwelling in which it is located that does not meet the standards of the New York State Uniform Fire Prevention and Building Code including the Property Maintenance Code of New York State.

§350-104 Restrictions on Short Term Rentals

Except for owner-occupied short-term rental residences short-term rentals are not permitted in any residence district.

§ 350-105. Short-Term Rental Permit Requirement.

A. All owners of a dwelling unit intended to be used for short-term rental must first file with the Village Clerk a completed short-term rental permit application.

No dwelling unit may be used as a short-term rental until and unless as to that dwelling unit a short-term rental permit is issued pursuant to the provisions of this Article.

B. The application for a short-term rental permit shall be on a form to be provided by the Village containing at a minimum the following information as to each dwelling unit:

- (1) Address of the dwelling unit;
- (2) The number of dwelling units in the dwelling.
- (3) The number of bedrooms in the dwelling unit;
- (4) The applicable overnight and daytime occupancy limit of the dwelling unit.
- (5) As to each dwelling unit the number of off-street parking spaces available for occupants;
- (6) The types and placement of any fire protection systems serving the dwelling unit;
- (7) The number and location of all exits;
- (8) A floor plan indicating the placement and sizes of each bedroom, exit and fire protection system;
- (9) A listing of each agent, medium, website or other means through which the dwelling unit will be listed for rental;
- (10) The name, mailing address, physical address, telephone number, and e-mail address of each individual having an ownership interest in the dwelling unit including an ownership interest arising from an association, partnership, limited liability company, corporation, joint tenancy, tenancy in common, tenancy by the entirety or other entity. The character of the ownership interest shall be also specified;

(11) Whether the dwelling will be used as an owner-occupied short-term rental as defined at §350-103. If the dwelling is to be used as an owner-occupied short-term rental the identity of each person who holds an ownership interest in the property, and who actually occupies the property as such person's usual and customary residence shall be provided. Government issued proof of such owner-occupied residency such as a passport, driver's license or voter registration card shall also be provided.

(12) A stipulation by the applicant on behalf of and with the authority of all property owner(s) that that service of all notices or process on behalf of the Village of Lancaster to each and every property owner may be accomplished by regular mail to an addressee at an address within the United States. Both the addressee and the address are to be designated by the applicant;

(13) Acknowledgment that the Village Clerk will be advised in writing within 7 days if, during the term of the permit, any response provided upon the application becomes outdated and how so;

(14) Acknowledgment of receipt of a copy of and review of this Article;

(15) The fully completed form must be notarized.

C. All short-term rental permits and renewals shall expire three years after the date of issuance unless sooner revoked.

D. Any failure to comply with the provisions of §350-105 shall constitute a violation of this Article and is subject to the penalties set forth herein.

§ 350-106. Application for renewal of permit.

A. An application for the renewal of a short-term rental permit is due not later than 30 days prior to the short-term rental permit expiration and requires payment of the renewal fee. The application for renewal shall be formulated so as to designate any changes from the information provided in earlier submitted applications. Property owners who timely file a completed application for renewal may continue to lease the subject short-term rental property pending completion of the inspection of the subject property pursuant to §350-107. If the subject short-term rental property does not pass inspection, rental of the subject short-term rental property must be discontinued until and unless a short-term rental permit is renewed.

B. The renewal of the short-term rental permit shall only be issued after inspection of the subject premises by the Authorized Village Official pursuant to §350-7 of this Article. Any substandard conditions must be remedied prior to the renewal of a short-term rental permit.

§ 350-107. Inspections of short-term rental properties.

A. Inspections of all short-term rental properties shall be conducted by an Authorized Village Official upon receipt of a short-term rental permit application or application to renew a short-term rental permit. The inspection shall be to

determine the existence of substandard conditions within the dwelling unit or the dwelling in which it is located.

B. Any substandard condition identified during an inspection must be corrected by the property owner before a short-term rental permit is issued or renewed.

C. In the discretion of the Authorized Village Official, in instances when an inspection reveals one or more substandard conditions, the Authorized Village Official may conduct a re-inspection upon the request of the applicant and a representation by the applicant that each discovered substandard condition had been remedied.

D. Upon issuing short-term rental permits and renewals, the Authorized Village Official shall advise the Village Clerk of the address, the owner(s), and expiration date thereof. The Authorized Village Official shall also provide the Village Clerk, for record keeping, the permit application and application for renewal upon which a short-term rental permit or renewal was issued.

E. The Village Clerk shall advise the Village Board of the issuance of a short-term rental permit and renewal and shall keep an index of the address, the owner(s), and expiration date of each short-term rental permit and renewal issued by the Authorized Village Official.

§ 350-108. Fees for permits and inspections.

A. Application fees for a short-term rental permit and the renewal of a short-term rental permit shall be in amounts established, from time to time, by resolution of the Board of Trustees and are payable by the property owner at the time of application.

B. Upon an application for a short-term rental permit or an application to renew a short-term rental permit, the initial inspection fee shall be \$150 for each dwelling unit. The fee for each re-inspection shall be \$75 for each dwelling unit.

§ 350-109. Grounds for denial of application for permit or renewal.

An application for a short-term rental permit or renewal may be denied for the following reasons:

A. The property failed inspection conducted pursuant to §350-107.

B. The applicant has falsified or failed to provide required information in the application.

C. The applicant had been issued a short-term rental permit or renewal, and the applicant falsified or failed to provide information in the application upon which such short-term rental permit or renewal had been issued.

D. The applicant violated any provision of this Article during any part of the 12 months immediately preceding the date of the subject application.

E. The applicant has had a short-term rental permit revoked for cause during the any part of the 12 months immediately preceding the date of the subject application.

F. The property for which a short-term rental permit is sought was used or occupied in violation of this Article during any part of the 12 months immediately

preceding the date of the subject application.

§ 350-110. Grounds for revocation of permit.

An Authorized Village Official may revoke a short-term rental permit based upon any of the following grounds:

- A. The applicant has falsified or failed to provide information in the application for the permit or the renewal of a permit.
- B. A property owner or renter violated any provision of the Code of the Village of Lancaster or Penal Code of the State of New York, which violation occurred on or pursuant to the occupancy of the short-term rental property.
- C. Any conduct which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
- D. It is discovered that a substandard condition exists.

§ 350-111. Restrictions on use and occupancy of short-term rental properties.

- A. It is the responsibility of the property owner(s) to ensure proper and legal occupation of short-term rental properties and compliance with this Article.
- B. A short-term rental property may be used only for residential purposes.
- C. No more than three adult persons may occupy any one bedroom.
- D. A renter of a short-term rental property is prohibited from subleasing or otherwise licensing the use or occupancy of any portion of the short-term rental property.
- E. A renter of a short-term rental property shall ensure that no motor vehicle or other impediment is positioned in such a manner so as to block or prevent access to driveways, easements or rights-of-way.
- F. Any conduct which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance is prohibited.
- G. Trash, refuse and recycling materials shall not be left stored within the public view, except in proper containers for the purpose of collection by the Village and shall otherwise comply with Lancaster Village Code Chapter 283, Solid Waste, and any subsequent recodifications and revisions thereto.

§ 350-112. No presumption of compliance.

The issuance of a short-term rental permit or renewal shall create no presumption that the short-term rental property complies with the provisions of this Article.

§ 350-113. Nontransferability.

A short-term rental permit shall not be transferred or assigned to any person or used by any other person other than the property owner(s) to whom it was issued.

§ 350-114. Appeals.

A. An Authorized Village Official may deny an application for a short-term rental permit, deny an application for renewal of a short-term rental permit, deny a request for a re-inspection of a short term rental property, or may revoke a short-term rental permit, by arranging to send in accord with §350-105.B.(12) a written copy of such denial or revocation to the applicant stating the grounds for such denial or revocation. The notice shall inform the applicant of the right to appeal the decision to the Village Board by mailing notice of appeal to the Village Clerk within 14 days of the date of mailing of the denial or revocation.

B. An applicant may appeal to the Board of Trustees a denial or revocation issued pursuant to §350-114.A. by mailing a notice of appeal to the Village Clerk within 14 days of the date of mailing the denial or revocation.

C. Upon receipt of a notice of appeal mailed pursuant to §350-114.B., the Village Clerk shall schedule the appeal to be heard within 30 days during a regular or special meeting of the Village Board. The Village Clerk shall provide the appellant at least five days' written notice of the date, time and place of the hearing.

D. At the hearing, the appellant shall be afforded reasonable opportunity to be heard. The appellant shall bear the burden of proof to show that the appealed determination of the Authorized Village Official was arbitrary, unfounded, capricious or in excess of his/her authority. The decision of the Board of Trustees shall be final and conclusive.

§ 350-115. Penalties for offenses.

A. Each and every person having ownership interest in a short term rental property shall be jointly and severally subject to penalties for violations of this Article as to that short term rental property.

B. Any person who violates any term or provision of this Article, upon conviction thereof, shall be guilty of an offense punishable by a fine as set forth in §350-115.C, or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense shall constitute, for each day the offense is committed, a separate and distinct violation.

C. Penalties for violations of this Article shall be imposed as follows:

(1) Failure to register as a property owner:

(a) First offense: \$500 per day.

(b) Subsequent offenses: \$1,000 per day.

(2) Allowing occupancy without a valid permit:

(a) First offense: \$500 per day.

(b) Subsequent offenses: \$1,000 per day.

§350-116 Effective Date

This article shall become effective 6 months following enactment.

7) This local law shall become effective 6 months following its enactment.