

TOWN OF MONROE
LOCAL LAW NO. X OF THE YEAR 2021

A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN AND CHAPTER 57 (ZONING) OF THE TOWN CODE, REPEALING CHAPTERS 41 (SEWERAGE SYSTEMS) AND 42 (SEWER USE) OF THE TOWN CODE AND ESTABLISHING A NEW CHAPTER 41 “RENTAL REGISTRATION” TO ESTABLISH POLICIES AND TO REGULATE SHORT TERM RENTALS OF DWELLINGS

Be it enacted by the Town Council of the Town of Monroe by authority of Article 16 §264 of the Town Law and Article 2, §10 of the Municipal Home Rule Law, as follows:

(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Legislative findings and intent. The Town Board of the Town of Monroe hereby finds and declares:

- (1) Legislative findings.
 - (a) There is a critical and compelling need to regulate short-term rental use of dwellings located in the Town of Monroe. Most dwellings in the Town are not subject to the New York State Uniform Fire Prevention and Building Code (Uniform Code) provisions for protecting transient occupants. Therefore, the Town Board finds and determines that the public health, safety, and welfare of current and future Town residents as well as transient visitors will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.
 - (b) The Board further finds and determines that conditions arising from the unregulated short-term rental of dwelling units that may be substandard or in violation of the Uniform Code, New York State Multiple Residence Law and applicable Town of Monroe Codes, pose hazards to life, limb and property of residents of the Village, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services. The Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect.
 - (c) The Board further finds that, if well-regulated, the short term rental of dwelling units may provide opportunities for dwelling owners to obtain much needed income from their properties, and may also provide needed accommodations for travelers and visitors who will patronize local business

establishments and provide a source of economic development to the community.

- (2) Intent. These regulations intend to protect the health and safety of Town residents and visitors as follows:
- (a) Allow and regulate transient rental uses of residential dwellings; and
 - (b) Protect and preserve the Town's appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town's zoning, subdivision, property maintenance and related local laws; and
 - (c) Protect and ensure the safety of its current and future residents as well as those traveling to or visiting in the Town; and
 - (d) Prevent to the greatest extent practicable public safety risks, including but not limited to, noise, trash, traffic, and parking impacts associated with unregulated short-term rental of dwellings.

Section 2: Amend the Town of Monroe 2017 Comprehensive Plan Update, Chapter II. Vision for the Future, Subpart D. Conceptual Land Use Plan, subsection 2, "Residential Land Use Areas," pp II-13 to II-14, as follows:

Residential neighborhoods should also be protected from activities that are incompatible with their residential character – thus, short-term transient rental properties, e.g., Air BnBs, should be well-regulated, where permitted.

Section 3: Repeal Chapters 41 and 42 of the Code of the Town of Monroe, which are not actively utilized or enforced provisions of law based on the following: the Town does not operate or maintain any existing sewerage systems; new private sewerage systems or expansion of existing public sewerage systems would be subject to review and approval by Orange County Department of Health; hookups to existing sewerage systems are regulated by Orange County Sewer District #1 or the Moodna Basin Joint Operation and Maintenance Commission; individual subsurface systems are required to be prepared by a licensed engineer and reviewed by the Building Inspector, and by the Town Engineer by referral from the Building Inspector.

Section 4. Amend Chapter 57 (Zoning) §57-3 Definitions, to add the following new definitions, to be inserted in alphabetical order:

OFFER TO RENT

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, the availability for rental or similar use of any dwelling or rooming unit, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

RENTAL

An agreement, written or oral, granting use or possession of a dwelling, in whole or part, to a person or group in exchange for monetary compensation or other valuable consideration.

SHORT-TERM RENTAL

A dwelling or portion thereof including accessory outdoor areas, yards or structures, that is rented for transient occupancy in whole or in part. "Short-term rental" shall also include the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a dwelling, outdoor areas or accessory yards or accessory structures on a transient basis. The term "short-term rental" shall not include:

- A. Month-to-month tenancies in dwellings; or
- B. Transient stays in hotels or bed and breakfast facilities that have received a site plan approval from the Planning Board or are permitted as part of a Business Park under this Chapter.

SHORT-TERM RENTAL TENANT

A person or group that occupy or intend to occupy a short-term rental on a transient basis as a single household sharing living, cooking and housekeeping responsibilities during their term of occupancy.

TRANSIENT

Occupancy by and individual or family for 29 or fewer consecutive nights or 29 nights or fewer nights in any calendar year.

VACATION RESIDENCE

A dwelling that is designed to meet the standards of the Residential Code of the State of New York, but that is used or intended to be rented for commercial gain and occupied exclusively on a transient basis.

VACATION RESIDENCE, PARTIAL

A dwelling that is designed to meet the standards of the Residential Code of the State of New York, but that is intended to be rented for commercial gain and occupied on a transient basis from time to time, but that does not meet the eligibility requirements of §41-4 by reason of:

- (1) The dwelling to be occupied as a short-term rental has been in existence for less than five years or owned by the applicant for less than five years; or
- (2) The lot on which the dwelling proposed for short-term rental is located does not meet the minimum lot size requirement for a single-family detached residence pursuant to Chapter 57 (Zoning); or
- (3) Objections to permit issuance are received by more than 50% of the owners located within 500 feet of the proposed short-term rental; or
- (4) The prior permit for the property has been revoked or not renewed in accordance with the terms of §41-14 within the last 24 months; or
- (5) The Building Inspector determines that due to unique circumstances not generally applicable to the Town or neighborhood in which the lot is located, the issuance of a permit could result in significant harm or injury to the health, safety or general welfare of area residents, adjacent owners, or future occupants.

Section 5: Amend Chapter 57 Zoning, by adding a new section to §57-44 Supplementary standards for certain uses, entitled "Vacation Residence and Partial Vacation Residence" referenced as §57-44 subpart T, as follows:

T. Vacation Residence and Partial Vacation Residence. No authorization for a short-term rental permit pursuant to Chapter 41 of the Town of Monroe Code shall be issued for a Vacation Residence or Partial Vacation Residence unless the following standards are met:

- (1) Adequate parking facilities are provided to meet the parking requirement of the maximum permitted occupancy of the dwelling pursuant to §41-6C and are provided in a manner that does not impact the residential character of the neighborhood.
- (2) If new construction or expansion is proposed, the size of the structure proposed for this use is generally consistent with residences located within 500 feet, or it is so situated to not be seen as inconsistent with the appearance of other area residences as viewed from any public street or public park.
- (3) The structure and lot are conforming to the requirements of this chapter or have received variances for any non-conformances and the lot and structure are not considered existing non-conforming uses or buildings.
- (4) Adjoining residences and their yards are generally afforded a reasonable degree of privacy from view by occupants of the proposed vacation residence or partial vacation residence by the imposition of landscaping and privacy fencing.
- (5) The number of permitted short-term rental homes surrounding the proposed Vacation Residence or Partial Vacation Residence are not excessive in number so as to result in adverse character impacts to principal residences in the neighborhood.
- (6) The Vacation Residence or Partial Vacation Residence shall be required to maintain a short-term rental permit as an ongoing condition of the special permit. In the event that such permit is not renewed or revoked, the special permit for Vacation Residence or Partial Vacation Residence shall terminate, and a new application will be required.

Section 6. Adopt a New Chapter 41, "Short Term Rentals" As follows:

§41-1 Legislative Intent:

A. These regulations are intended to protect the health and safety of Town residents and visitors as follows:

- (1) Allow and regulate transient rental uses of residential dwellings; and
- (2) Protect and preserve the Town's appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Town's zoning, subdivision, property maintenance and related local laws; and
- (3) Protect and ensure the safety of its current and future residents as well as those traveling to or visiting in the Town; and
- (4) Prevent to the greatest extent practicable public safety risks, including but not limited to, noise, trash, traffic, and parking impacts associated with unregulated short-term rental of dwellings.

§41-2 Word Usage

For the purpose of this chapter, the words and terms shall be interpreted as set forth in §57-2 and §57-3 of the Zoning Local Law.

§41-3 Permit Required and Prohibited Rentals.

- A. It shall be unlawful for any person to rent or offer to rent a short-term rental within the Town of Monroe without first obtaining a Short Term Rental Permit.
- B. It shall be unlawful for any person to rent or offer to rent any portion of a residential lot or use accessory thereto including but not limited to pools, yards, tents, driveways, lake, lake rights, docks or beaches without also renting the exclusive right of occupancy for the principal dwelling located on the lot pursuant to this chapter.

§41-4 Eligibility.

- B. Eligible properties and structures. Permits shall only be issued for one single-family detached dwelling per lot or portion thereof. No more than one short-term rental permit shall be approved for any lot.
- C. Special Use Authorization. No permit for a short-term rental shall be issued unless a special use is authorized and site plan approved by the Planning Board pursuant to §57-11 and §57-14, where any of the following criteria apply.
 - (1) A Vacation Rental is proposed as defined by §57-3; or

- (2) The dwelling to be occupied as a short-term rental has been in existence for less than five years or owned by the applicant for less than five years; or
 - (3) The lot on which the dwelling proposed for short-term rental is located does not meet the minimum lot size requirement for a single-family detached residence pursuant to Chapter 57 (Zoning); or
 - (4) Objections to permit issuance are received by more than 50% of the owners located within 500 feet of the proposed short-term rental; or
 - (5) The prior permit for the property has been revoked or not renewed in accordance with the terms of §41-14 within the last 24 months; or
 - (6) The Building Inspector determines that due to unique circumstances not generally applicable to the Town or neighborhood in which the lot is located, the issuance of a permit could result in significant harm or injury to the health, safety or general welfare of area residents, adjacent owners, or future occupants.
- D. Qualifications for Permitholder. The permit holder shall be:
- (1) A natural person or persons holding a minimum of a fifty percent interest in the legal title to the lot on which the short-term rental is located; or
 - (2) A natural person who is the duly authorized representative of the entity holding a minimum of a fifty percent interest in the legal title to the lot on which the short-term rental is located, and which natural person shall be authorized by fifty percent or more of the controlling interest in the entity holding more than fifty percent interest in the legal title.
- E. Multiple Permit Eligibility. A permittee may hold no more than one short-term rental in the Town for a probationary term of thirty-six (36) months from first permit issuance. After the probationary period, a permitholder may apply for one additional permit per year so long as there have been no suspensions or revocations of any permits held by the permitholder within the preceding twenty-four (24) months.
- F. Private restrictions on Short Term Rentals. The applicant shall provide with the application, copies of any applicable homeowner or condominium association bylaws or rules and any other applicable private conditions, covenants, or restrictions including lake rights. If a proposed short-term rental home property is subject to such conditions, covenants, or restrictions, then correspondence from the association or other entity responsible for their enforcement is required. The correspondence shall include specific conditions that determine whether the proposed short-term rental home use is allowed. The Building Inspector shall forward such correspondence to the Town Attorney, who shall review the restrictions and advise the Building Inspector on whether there are any legal restrictions preventing issuance of the permit, in which case the Building Inspector shall deny the permit. The Town of Monroe shall not be bound by any private conditions, covenants, or restrictions upon the subject parcel. Any private limitations may be enforced against the property owner through appropriate civil action.

§41-5. Designated Manager Required.

- A. The permitholder shall serve as manager of the short-term rental; except that, the permit holder may designate:
- (1) An immediate adult family member of the permit holder to serve as manager. Immediate family includes a person's parents, spouse, siblings, stepparents, stepchildren, children and their spouses.

- (2) An individual with an active real estate license from the State of New York to serve as manager.
 - (3) A non-transient occupant of the lot containing the short-term rental who resides on the lot as the occupant's principal residence.
 - (4) An adult to serve as a temporary manager for up to forty-five days in a twelve-month period.
- B. Management Responsibilities. The manager of the short-term rental shall be required to execute the following responsibilities:
- (1) Notify the Town Building Department and the immediate adjacent neighbors of any designation of an individual as a manager under this section, including a statement of the designated manager's tenure, residential and business addresses, and telephone numbers, and notify same of any change in the manager's addresses or telephone numbers.
 - (2) Be accessible to guests, neighbors, and Town or County agencies at any time that the short-term rental is being leased for transient occupancy. For purposes of this section, "accessible" means being able to answer the telephone at all times, being able to be physically present at the short-term rental home within one hour following a request by a guest, a neighbor, or a Town or County agency, and having an office or residence within thirty driving miles.
 - (3) Ensure compliance with County department of health regulations, this chapter, permit conditions, and other applicable laws and regulations.
 - (4) Enforce the house policies.
 - (5) Collect all rental fees.

§41-6. Operational Requirements.

- A. "House policies" shall be prominently displayed within the dwelling during occupancy by short-term rental tenants. The house policies shall also be included in the rental agreement, which shall be required to be signed by each registered adult guest. At a minimum, the house policies shall include:
- (1) Quiet hours from 9:00 p.m. to 8:00 a.m., during which time the noise from the short-term rental home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area.
 - (2) Amplified sound that is audible beyond the property boundaries of the short-term rental home is prohibited.
 - (3) Vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.
 - (4) Parties or group gatherings by persons other than the short-term rental tenants are not allowed.
 - (5) No more than one daytime guest is permitted per two overnight occupants.
 - (6) In the event of a complaint received by the Town, the property is subject to inspection by the Town Code Enforcement Official within 24 hours, and any rental tenant must not interfere with the inspection.
- B. Term of short-term rental. No short-term rental contract shall be for a term of less than 24 hours.
- C. Occupancy limitation. The maximum number of overnight occupants shall be no greater than the least of the following standards, which will be noted on any issued permit:
- (1) ten (10) persons; or
 - (2) two (2) persons per bedroom, as determined by the Building Inspector; or

- (3) the number of persons supported by the septic system capacity as determined by the Building Inspector if the dwelling is not served by public sewer.
- D. Remote digital monitoring of occupancy. Where a short-term rental is rented or intended to be rented for transient occupancy during periods when the manager is not residing on-site, the site shall be digitally monitored by the manager to ensure compliance with the maximum number of allowable guests and visitors entering the premises, and to provide evidence to the Building Inspector of such compliance should he or she need to investigate complaints. Digital monitoring shall include outdoor cameras adequate in number, location and view angle to monitor arrivals and departures at the property. Digital video recordings shall be taken during times when the property is rented and kept for a minimum of 30 days, and copies shall be provided to the Building Inspector upon request. Notice and purpose of camera locations shall be provided to renters.
- E. Short-term rental occupancy shall not be permitted in any vehicle, trailer or camper, and sleeping accommodations shall not be provided in a tent or other temporary structure.
- F. Exclusive short-term use. There shall only be one short-term rental tenant at any time for any property permitted under this chapter. A non-transient owner or tenant and their family residing at the property as their principal residence may continue to occupy the residential lot during the tenancy of a short-term rental tenant, so long as the total occupancy limitation is not exceeded.
- G. Lodging taxes. The permit holder shall be responsible for collecting and remitting any required lodging and or sales taxes on the short-term rental fee, as required by local, county, state or federal law.
- H. Insurance. Permitholders shall maintain liability insurance for injuries or damage caused by rental guests in an amount determined by the Town Board, as amended from time to time and noted in a schedule to be maintained by the Town Clerk.
- I. Fire safety. An initial inspection to ensure compliance with the Residential and Fire Codes of New York State shall be required prior to issuance of a Short-Term Rental permit, and a follow-up inspection shall be required annually. Inspection fees shall be set from time to time, according to a fee schedule adopted by the Town Board and noted in a schedule to be maintained by the Town Clerk. In addition to any requirements of the Residential and Fire Codes of New York State, the following standards shall be met:
- (1) A hard-wired fire alarm shall be installed in all bedroom, kitchen and living spaces;
 - (2) A fire extinguisher shall be installed in any kitchen and within 10 feet of any fireplace, fire pit, outdoor fire feature or outdoor grill;
- J. Prior to issuing a permit, the Building Inspector may impose additional conditions for a short-term rental if such conditions are reasonably designed to mitigate adverse impacts to the neighborhood. A
- K. Offer to rent.
- (1) Any offer to rent as defined herein, shall include the valid permit number.
 - (2) Any offer to rent shall include a disclosure of the short-term rental house policies.
- L. Compliance Inspection. As an ongoing condition of the permit, the manager of the premises shall make the premises fully available to the Code Enforcement Officer or duly authorized deputy within 24 hours of receipt of a request by phone, regardless of whether the premises are currently occupied.

§ 41-7 Application.

- A. Applicants shall submit an application for a short-term rental permit to the Building Inspector in accordance with the provisions of this section. Permit applications shall include all of the following information, unless waived by the Town Board upon appeal by the applicant:

- (1) The name, address, and telephone number of the applicant.
- (2) Verification of property ownership, or affidavit of ownership and authorization by at least 50% of persons or entities holding controlling interest in the property.
- (3) The street address of the location, and the tax map section, block, and lot number of the lot on which the proposed short-term rental is situated.
- (4) Proof of compliance with all standards of section §41-6 for renewals, and for initial application, understanding of the requirements of §41-6 and demonstration of the ability to meet those requirements.
- (5) A survey certified to the current owner and an as-built floor plan identifying the following key features:
 - (a) The location of off-street parking spots;
 - (b) The location of any yard or interior spaces that will be restricted to short-term tenants;
 - (c) The location and height of proposed and existing fences, berms and landscape planting buffers.
 - (d) Approximate treeline of wooded areas or location and diameter at breast height of individual trees providing substantial screening from adjacent residences or other land uses.
 - (e) Location of all accessory structures, including pools, decks, sheds, awnings, cupolas;
 - (f) Location of any exterior firepit or fire feature;
 - (g) Designation of bedrooms, kitchen, bathrooms, and other demised interior spaces;
 - (h) Location of proposed and existing hard-wired smoke detectors, fire extinguishers and any other fire safety equipment or facilities;
 - (i) Location of points of egress including egress windows;
 - (j) Proposed location of remote digital monitoring cameras;
 - (k) Any other information deemed necessary by the Building Inspector.
- (6) A list of the names and addresses of the owners of record (and lessees of record in the event that such information is available from the Town), within a five-hundred-foot radius of the lot of the proposed short-term rental.
- (7) A certification form signed by the owner of the property attesting to the following:
 - (a) The owner has not previously advertised, or has ceased advertising, for the short-term rental that is the subject of the application, and will not begin, or resume, any advertising until a permit is approved.
 - (b) The owner either has no financial interest in any other property within the Town of Monroe associated with a short-term rental permit; or, if the owner has a financial interest in a property that is subject to a short-term rental home permit, the nature of the financial interest and the property address, along with a copy of the valid permit for that property.
 - (c) The owner has paid, or will pay, all fines that have been assessed by the Town including those assessed because of a notice of violation previously issued to the owner for unpermitted short-term rental use or activity, prior to the processing of the short-term rental home permit application.
 - (d) All statements made by the owner on the certification form and provided during the short-term rental home permit application process are correct to the best of the owner's knowledge.

- (e) The owner acknowledges that any false information or misrepresentations made in the application or during the application process shall result in an enforcement action pursuant to §41-10.
 - (8) Registered mail receipts of the notice of application.
 - (9) Proof of registration with all proper taxing authorities.
 - (10) Certificate of Liability Insurance form prepared by a licensed insurance agency.
 - (11) Additional information as may be requested by the Building Inspector.
 - (12) Permit application fees, inspection fees, and permit renewal fees as set forth in the schedule adopted by the Town Board, as amended from time to time and filed in the office of the Town Clerk.
- B. Notice of Application. All applicants shall send, by registered mail, written notice of the application for a short-term rental permit to the owners of record (and lessees of record where such information is available from the Town) located within a five-hundred-foot radius of the lot proposed for a short-term rental permit. The written notice shall be prepared on a form provided by the Building Department, and shall include all of the following:
- (1) A description of the proposed short-term rental operation.
 - (2) The location of proposed on-site parking.
 - (3) The total number of bedrooms and the maximum occupancy proposed for short-term rental.
 - (4) The street address of the proposed short-term rental.
 - (5) The name, address, telephone number, and email of the proposed Short Term Rental manager that abutting property owners or lessees may contact, if they wish to report any issues or file a complaint regarding any nuisance or violation of this Chapter.
 - (6) A description of how the recipient may file an objection to the permit issuance, within 30 days of receipt of the notice.
 - (7) For purposes of this Chapter, notice shall be considered valid if the Building Inspector finds that the applicant has made a good faith effort to comply with the requirements of this section.

§ 41-8 Procedure.

- A. Upon receipt of a new short-term rental home permit, the Building Inspector shall review the application, and notify the applicant of any application deficiencies within seven (7) calendar days.
- B. Upon confirmation of a complete application, the Building Inspector shall review the application against the Residential and Fire Codes of the State of New York and conduct an inspection of the premises within twenty-one (21) days.
- C. The Building Inspector shall approve or deny the permit pursuant to the requirements of this Chapter within 7 days inspection, based on the requirements listed in §41-3 through §41-6.
- D. The applicant may re-apply for the permit upon remediation of any identified deficiencies.

§41-9 Terms of Permit. Transferability.

- A. The first issuance of a short-term rental permit for any property shall remain in effect for three (3) years from the date of issuance.

- B. A renewed permit will remain in effect for five (5) years from the date of issuance. It shall be the responsibility of the permit holder to submit a renewal application a minimum of sixty (60) days prior to the expiration of their existing permit.

§41-10 False Information, Misrepresentation.

Any false information or misrepresentations made in the application or during the application process shall result in an enforcement action pursuant to this chapter, and may lead to the denial of an application or revocation of the permit. Where an application is denied or permit revoked based on this provision, the individual making such false information or misrepresentations shall be barred from applying for any new short-term rental permit for a period of 24 months. Additionally, where this provision results in the revocation of a short-term rental permit, the subject premises associated with the permit shall be barred from receiving a short-term rental permit, regardless of applicant for a period of 24 months following the revocation for false information or misrepresentation..

§41-11 Permit Amendments.

Substantive amendments to a permit, including but not limited to an increase in the number of bedrooms used for short-term rental purposes, shall be processed in the same manner as an initial, new application, but upon approval shall not be deemed to restart the probationary term as described in §41-4D.

§41-12 Permit Renewal

- A. The process and information required, for a renewal is the same as for an initial permit issuance, except that the Building Inspector shall waive any requirement upon receipt of a written statement that the original application material is still valid and circumstances have not changed.
- B. A compliance inspection shall be conducted prior to granting a renewal and within 21 days of receipt of an application for renewal.
- C. So long as ongoing compliance with the conditions of this chapter and the original permit are verified, the permit shall be renewed.

§41-13 Enforcement procedures.

- A. Upon receipt of a complaint or observation of non-compliance with the requirements of this chapter, the terms of the short-term rental permit or the requirements of the Residential or Fire Codes of the State of New York, the Town Code Enforcement Official shall contact the manager of the short-term rental and arrange for a property inspection and investigation of the complaint within 24 hours.
- B. After inspection and upon issuance of a notice violation of the requirements of this chapter, the terms of the short-term rental permit, or the Residential or Fire Codes of the State of New York, the Code Enforcement Official shall suspend the short term rental permit.
- C. Suspension. While a short-term rental permit is suspended, the permitholder is barred from renting or offering to rent the subject premises, except that the Code Enforcement Official may allow the

permitholder to continue renting and operating the premises for a term of no more than 30 days, where the following conditions are met:

- (1) The observed or suspected violation if proven would not result in significant risk to the health or safety of persons or property;
 - (2) The permitholder will not offer the premises for rent and will not sign any new rental contracts.
 - (3) The permitholder will cancel any rental that is not scheduled to commence within 21 days.
- D. Time to Remedy. The permit holder shall have 60 days from suspension of the permit to remedy any violations issued by the Code Enforcement Official

§41-14 Revocation and nonrenewal.

- A. The Building Inspector may revoke or decline to renew a short-term rental permit where she or he finds that any of the following criteria are met:
- (1) The permit holder provided false or misleading information during the application process, during a compliance inspection, or in connection with an investigation of violation by the Code Enforcement Official.
 - (2) The permit holder is delinquent in payment of State or County taxes, fines, or penalties assessed in relation to the short-term rental.
 - (3) An unresolved violation existed beyond the time to remedy.
 - (4) The permitholder was found guilty of any felony or misdemeanor occurring on the premises of the short-term rental or involving tenants or guests to the short-term rental.
 - (5) The subject premises were rented for transient occupancy while its short-term rental permit was lapsed, suspended or revoked, except as otherwise permitted by §41-13.
 - (6) More than three violations of the Residential or Fire Codes of that State of New York, Chapter 33A (Noise) of the Town of Monroe, or this chapter, or any combination thereof were issued within any twelve-month period.
 - (7) The permitholder or manager of the property barred entry to the property after proper notification or otherwise unreasonably interfered with an inspection or investigation pursuant to §41-13.
- B. Any permitholder whose permit was revoked, denied or not renewed shall be barred for reapplying for a short-term rental permit unless they receive and maintain a valid special use permit by the Planning Board for a Vacation Rental or Partial Vacation Rental.

§41-15 Operation without Permit.

- B. Advertising or any communication that offers a property as a short-term rental home shall constitute prima facie evidence of the operation of a short-term rental home on the property and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal short-term rental home or is not in operation as a short-term rental home.
- C. Advertising for a short-term rental home without a valid permit number is prohibited and constitutes a violation of this Chapter, provided that:
- (1) The alleged violator and the property owner shall be notified that all advertising without a valid permit number shall be terminated within seven days of the notice.

- (2) Enforcement action pursuant to this Chapter, including fines, may commence if advertising without a valid permit number continues after such warning.
- D. Operating a short-term rental without a valid permit is prohibited. Evidence of operation may include advertising, guest testimony, online reviews, rental agreements, receipts, or any other information deemed relevant by the Code Enforcement Official. Operating without a permit more than seven days after receipt of a notice of violation shall result in a property being made ineligible for a short term rental permit for 24 months.

§41-16 Transferability.

- A. A short-term rental permit is not transferable, except as follows:
 - (1) The property received and maintains a special permit authorization of the Planning Board as a Vacation Rental or Partial Vacation Rental;
 - (2) Upon the death of a permit holder that owned 50% or more of title to the property that is the subject of the short-term rental permit, the permit will transfer to an immediate family member or family members, where those family members inherit ownership of a minimum of a fifty percent interest in the legal title to the property that is the subject of the short-term rental permit. Immediate family includes a person's parents, spouse, siblings, stepparents, stepchildren, children and their spouses.