

**TOWN OF WALWORTH  
BUILDING DEPARTMENT**  
3600 Lorraine Drive  
Walworth, New York 14568  
Phone: (315) 986-1400

Aron Thompson  
Building Inspector

Brett Malafeew  
Code Enforcement Officer

**Application for a Short-Term Rental Permit**

New \_\_\_\_\_

Renewal \_\_\_\_\_

**Rental Property Address:** \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Manager / Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Name(s) and Address(es) of Adjacent Owners within 150 Feet:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**With the filing of this permit the undersigned owner(s) affirm and certify as follows:**

1. I will provide and maintain one (1) functioning smoke detector in each sleeping room as well as one (1) functioning smoke detector and one (1) functioning carbon monoxide detector per floor.

2. A functioning and inspected fire extinguisher are mounted in the kitchen and at each exit doorway.
3. Exterior doors are operational and all passageways to exterior doors are and shall be clear and unobstructed.
4. **An evacuation plan shall be posted in the common area of the subject property. It shall detail egresses to be used in the event of a fire or smoke condition. It shall also detail where fire extinguishers are located.**
5. The electrical system is serviceable with no visual defects or unsafe conditions. All fireplaces, fireplace inserts and other fuel burning heaters and furnaces are vented and properly installed.
6. Each sleeping room has an exterior exit that opens directly to the outside or an emergency escape or rescue window.
7. The number of sleeping rooms is:
  - a. Basement: \_\_\_\_\_
  - b. First floor: \_\_\_\_\_
  - c. Second floor: \_\_\_\_\_
  - d. Other: \_\_\_\_\_ Location: \_\_\_\_\_
8. The number of off-street parking spaces is \_\_\_\_\_(must be one for every bedroom plus 1). The maximum number of vehicles is 5. Trailers of all types count as vehicles.
9. **Attached is a copy of the site plan of the property, drawn to rough scale, showing the location of buildings and parking.**
10. The occupancy is \_\_\_\_\_. Maximum Occupancy is 10.
11. The house number is visible from the street or road.
12. Provisions have been made for weekly garbage removal, and garbage will be secured in containers with tight-fitting covers and placed where they are not clearly visible from the street or road except around pick-up time.
13. Advertisements for the rental conform to what is allowed under the short-term rental regulations and the short-term rental permit.
14. The short-term rental permit will be prominently displayed inside and near the entrance of the rental property, and a copy will be provided to every property owner within 150 feet of the short-term rental property.
15. **I (we) acknowledge receipt of the attached Walworth Town Code Chapter 141-Short Term Rentals.**
16. I (we) have met and will continue to comply with the standards of the short-term rental regulations and permit, including, but not limited to, the requirement to inform the Town Code Enforcement Officer for any reason this certification is or becomes inaccurate.

17. The applicant agrees to allow inspections by the Code Enforcement Officer at application, renewals and to investigate complaints.

**18. With this application, I have enclosed a Certificate of Liability Insurance indicating that the premises are insured as a short-term rental.**

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

## Chapter 141

### SHORT-TERM RENTALS

§ 141-1.	<b>Definitions.</b>	§ 141-4.	<b>Permit application process.</b>
§ 141-2.	<b>Short-term rental permit required.</b>	§ 141-5.	<b>Renewal of permit.</b>
§ 141-3.	<b>Short-term rental requirements.</b>	§ 141-6.	<b>Enforcement; penalties for offenses.</b>
		§ 141-7.	<b>Appeals and hearings.</b>

**[HISTORY: Adopted by the Town Board of the Town of Walworth 3-2-2023 by L.L. No. 4-2023. Amendments noted where applicable.]**

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#### § 141-1. Definitions.

Any terms not defined in this chapter shall have those definitions as set forth otherwise in the Code of the Town of Walworth and, if undefined elsewhere in this Code, shall be defined according to their common meanings. As used in this chapter, the following terms shall have the meanings indicated:

**SHORT-TERM RENTAL** — Any portion of real property rented for compensation in exchange for lodging for a period of not less than one day and not more than 30 consecutive days. For purposes of this chapter, the term "short-term rental" shall not include a bed-and-breakfast, sites at a campground, hotels, motels, or ongoing month-to-month tenancies.

#### § 141-2. Short-term rental permit required.

- A. A property may not be used as a short-term rental without obtaining a revocable short-term rental permit.
- B. A short-term rental permit shall be valid for one year and must be renewed 30 days prior to expiration if the premises is to continue to operate as a short-term rental.
- C. The short-term rental permit is not transferable to a new owner. Any new owner shall be required to file a new permit application.
- D. Short-term rental permits are subject to continued compliance with the requirements of these regulations.
- E. The short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental. It shall include a "good neighbor statement" that "Guests shall observe quiet hours from 11:00 p.m. through 7:00 a.m."
- F. The short-term rental permit holder shall ensure that all relevant information is kept up-to-date with the Town and immediately notify the Town of any change in the information displayed on the permit. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately post the amended permit inside and near the front entrance of the short-term rental.
- G. The short-term rental permit holder must conspicuously display the short-term rental permit number

in all advertisements for the applicable short-term rental.

- H. Notwithstanding any other provisions of this chapter, short-term rentals shall be required to come into compliance with this chapter, including obtaining a permit, within 120 days of its effective date.

**§ 141-3. Short-term rental requirements.**

- A. General property requirements.

- (1) The property that is the subject of the short-term rental permit must comply with and meet all current NYS Uniform Building Codes, including, for example, relative to smoke detectors, etc. Any defects shall be corrected prior to permit issuance.
- (2) An evacuation plan shall be posted in the common area of the subject property. It shall detail egresses to be used in the event of a fire or smoke condition. It shall also detail where fire extinguishers are located. There shall be a working fire extinguisher on each floor and in the kitchen. The owner shall cause fire extinguishers to be regularly inspected.
- (3) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

- B. The property must have a minimum of one off-street parking space available for every one bedroom made available for rental. Vehicles of renters (and their guests, if any) shall be parked in the designated parking spaces only.

- C. Maximum overnight occupancy for each short-term rental shall not exceed sleeping accommodations available for rental, with a maximum of two adult persons per bedroom. Children 12 years and younger do not count toward this guest count, but safe and legal sleeping accommodations must be nonetheless available for the same.

- D. Guests shall observe quiet hours from 11:00 p.m. through 7:00 a.m. All rental agreements shall include a "good neighbor statement" providing that "Guests shall observe quiet hours from 11:00 p.m. through 7:00 a.m."

- E. Insurance. All applicants and permit holders must provide evidence of property insurance, including a certificate of liability insurance indicating the premises is insured as a short-term rental..

**§ 141-4. Permit application process.**

- A. Applications for a short-term rental permit shall be submitted to the Town and accompanied by payment of the nonrefundable permit fee set by the Town Board. The application shall include the following:

- (1) A list and signatures of all property owners.
- (2) Authorization for the Code Enforcement Officer to inspect the property to ensure compliance with this chapter prior to issuance of the permit.
- (3) An acknowledgment of present and ongoing compliance with the short-term rental standards as defined in this chapter.
- (4) Identification of any manager/management agency managing the property, including names, addresses, telephone numbers and email addresses of each.

- (5) The name, address, telephone number and email address of the contact person who shall be responsible and authorized to act on the owners' behalf to promptly address any violation of the standards outlined in this section. The contact person may be an owner or an agent designated by the owner(s) to serve as a contact person, and shall respond to any correspondence or concern from the Town within 24 hours.
  - (6) A detailed listing of the number of bedrooms as part of the property and the location of said bedrooms (e.g., first floor, second floor, etc.), including identifying which will be made available for rental hereunder and which will not.
  - (7) A sketch drawing, which does not need to be prepared by a professional (e.g., it may be neatly depicted on a survey map), showing the location of buildings and detailing the available parking.
- B. Short-term rental permit applications will be reviewed by the Code Enforcement Officer or designee for completeness.
  - C. Upon acceptance of the completed permit application, including all documents and information required by this section and the permit fee, a property inspection shall be conducted by the Town to certify and approve that all short-term rental requirements have been met.
  - D. After review of the complete application, confirmation that it meets the requirements and standards set forth herein, and a satisfactory inspection, all by the Code Enforcement Officer or designee, a short-term rental permit shall be issued. Short-term rental permits shall detail the following:
    - (1) The names, addresses and phone numbers of each person or entity that has an ownership interest in the short-term rental property.
    - (2) The name, address and phone number of the primary contact person who shall be available during the entire time the short-term rental property is being rented.
    - (3) The maximum overnight occupancy and the number of parking spaces for the short-term rental property.
  - E. The Code Enforcement Officer or designee shall decline to issue a permit where a previously issued short-term rental permit was revoked within the past year unless curable defects and/or violations have been corrected as confirmed by inspection of the Code Enforcement Officer.

#### **§ 141-5. Renewal of permit.**

Renewal permits will be granted for an additional one-year term if the following conditions are met:

- A. Application for renewal of the short-term rental permit shall be made 30 days prior to expiration of the current permit and requires payment of a renewal fee.
- B. The property must undergo an inspection performed by the Code Enforcement Officer.
- C. Any violations must be remedied prior to renewal of a permit for short-term rental.

#### **§ 141-6. Enforcement; penalties for offenses.**

- A. The Code Enforcement Officer or designee shall enforce this chapter.
- B. Each violation of any provision of this chapter, upon conviction, shall be punishable by a fine of not

more than \$250.

- C. If the Code Enforcement Officer determines there is a violation of this chapter, the owners shall be notified, in writing, by first-class mail and certified return receipt mail of said violations and the Code Enforcement Officer may take any or all of the following actions:
- (1) By written notice, require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice or the owner risks revocation of the short-term rental permit.
  - (2) Revoke the short-term rental permit. The Code Enforcement Officer shall send notices of revocation to property owners and shall file a copy with the Town Clerk. Revocation may be based upon the following grounds:
    - (a) Applicant falsified or failed to provide information in the application for a permit or the application for permit renewal.
    - (b) Owner has failed to meet or comply with any of the requirements of this chapter after notice and 30 days to cure.
    - (c) Owner has been issued three or more notices of violation within the annual term of the subject permit (regardless of the status of curing any such violations) (e.g., three separate violations of quiet hours).
    - (d) The subject property fails to meet or comply with any of the requirements of the Walworth Town Code (after notice and time to cure if required by such provision).
    - (e) Owner or occupants have violated any provision of the Penal Code of the State of New York, which violation occurred at, or is otherwise related to the occupancy of the short-term rental.
  - (3) Pursue a fine in a court of competent jurisdiction.
- D. The remedies herein are not exclusive, and the Town reserves the right to pursue any other remedy available to it pursuant to law, including but not limited to injunctive relief.
- E. Presumption of property as short-term rental. The following shall create a presumption that the property is a short-term rental: All or a part of the property is offered for lease for 30 days or less through any form of advertising, including but not limited to on a short-term rental website, such as Airbnb, Home Away and VRBO. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a short-term rental.

### **§ 141-7. Appeals and hearings.**

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals, including when a property owner's application for a short-term rental permit or a short-term rental permit renewal is denied, or relating to the revocation of a short-term rental permit. A notice of appeal shall be filed with the Town Clerk and the Zoning Board of Appeals within 60 days of the Code Enforcement Officer's filing of the denial or revocation with the Town Clerk. A hearing shall be held by the Zoning Board of Appeals not more than 45 days after the filing of the notice of appeal.