

TOWN OF WALES  
INTRO LOCAL LAW 4-2025  
LOCAL LAW 2-2026

A LOCAL LAW, TO AMEND LOCAL LAW 1-1993 KNOWN AS “ADOPTION OF CODE”,  
ADOPTED BY THE TOWN BOARD OF THE TOWN OF WALES ON MAY 11, 1993, BY ADDING  
CHAPTER 197 – SHORT TERM RENTALS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALES AS FOLLOWS:

**Chapter 197**  
**SHORT TERM RENTALS**

Intent/Purpose: The Town of Wales intends to create a local law to address the need for guidelines for short term rental establishments. The Town of Wales shall require that all persons operating a short-term rental establishment obtain a Short-Term Rental Permit. The permitting requirements necessary to obtain said permit are set forth herein. The intent of this section is also to address the addition of short-term rental establishments in the Town of Wales and address their potential impact on the Town and the neighborhood impacted by such proposal.

**§ 197-A Existing Short Term Rental establishments legalized.**

- A. All existing short-term rentals as defined herein shall be legal and be considered as permitted use under the Town of Wales Ordinance and shall be required to comply with all sections of this local law. All existing short-term rentals as defined herein shall also be required to apply for a Short-Term Rental Permit to the Code Enforcement Officer within 60 days from the date of the passage of this local law.

**§197-B Permit required.**

- A. All existing and future short-term rental establishments, as defined herein, shall require a Short-Term Rental Permit and shall comply with the requirements set forth in this section.
- B. Short-term rentals operated within the owner’s primary residence shall be permitted upon issuance of an administrative Short-Term Rental Permit by the Code Enforcement Officer following submission of a complete application and satisfaction of all applicable requirements.

- C. Short-term rentals not operated within the owner's primary residence shall require issuance of a Short-Term Rental Permit subject to approval by the Town Board prior to operation.
- D. No person, firm, corporation, association, partnership, or other entity shall operate a short-term rental establishment in any zoning district without first obtaining the appropriate Short-Term Rental Permit as required by this section.

### **§ 197-C Definitions**

For the purposes of this chapter, the following terms shall have the meanings indicated:

- A. Existing Short-Term Rental: Any short-term rental establishment in existence as of the effective date of this local law.
- B. Dwelling Unit: shall mean a structure or portion thereof, designed, constructed, or used for occupancy by one or more persons. A dwelling unit may be classified as a Traditional Dwelling Unit or a Non-traditional Dwelling Unit, as defined herein:
  - a. Traditional Dwelling Unit: A building or portion thereof designed and lawfully used for residential occupancy as a single-family, two-family, or multifamily dwelling, including apartments, condominiums, and townhouses.
  - b. Non-traditional Dwelling Unit: A structure, vehicle, or other facility not classified as a traditional dwelling unit, that is used or intended for temporary human occupancy, including but not limited to tiny homes on wheels, yurts, recreational vehicles (RVs), campers, glamping tents, or other non-traditional units.
- C. Parcel: For the purposes of this law, a *parcel* shall mean any single, legally defined lot of land, as identified by a unique tax map identification number assigned by the county or municipality. A parcel may have more than one Short-Term rental unit, but each rental unit requires a unique permit.
- D. Primary Residence. A parcel containing a dwelling unit that serves as the owner's principal place of habitation for not less than one hundred eighty-four (184) days per calendar year. The owner must reside in a dwelling on the parcel and shall not designate another parcel as their primary residence during the same period. The Town may require reasonable documentation to verify residency.

- E. Short Term Rental Permit: A permit granted or to be granted pursuant to the requirements of this chapter.
- F. Short Term: Occupancy for hire for a period of 90 consecutive days or less.
- G. Short Term Rental Establishment: Any establishment, both existing and future, which lets one or one and more rooms for short term rental occupancy, and which is not classified as a hotel or motel.

**§ 197- D Short Term Use and Dimensional Regulations:**

- A. Short-term rental establishments, as defined by the Town of Wales are allowed by Short Term Rental Permit in all districts.

**§ 197-E Permit Regulations:**

- A. Issuance of Short-Term Rental Permits: The Code Enforcement Officer shall receive and review all applications for Short-Term Rental Permits.
  - (1) For a Short-Term Rental operated on a parcel that qualifies as the owner's Primary Residence, the Code Enforcement Officer shall issue a Short-Term Rental Permit upon determination that the application is complete and all applicable requirements, including a successful inspection, have been satisfied.
  - (2) For a Short-Term Rental operated on a parcel that does not qualify as the owner's Primary Residence, issuance of a Short-Term Rental Permit shall require review and approval by the Town Board. The applicant shall appear before the Town Board for consideration of the application. Upon approval by the Town Board, and upon successful inspection and satisfaction of all applicable requirements, shall issue the Short-Term Rental Permit.
- B. Length of Short-Term Rental Permits: Short-Term Rental Permits shall be issued on a non-transferable, renewable basis. Each permit shall be valid for a period of one (1) year following issuance. Thereafter, permits may be renewed for one (1) year terms, provided there have been no violations or documented complaints associated with the short-term rental establishment. No short-term rental establishment shall operate at any time in violation of the provisions of this chapter.

- C. The form of the permit and application process: The Town Board shall prescribe the form of the Short-Term Rental Permit application, which shall be administered by the Code Enforcement Officer. The applicant shall submit all required information to the Code Enforcement Officer.
- (1) Applications for Short-Term Rentals on parcels that do not qualify as a Primary Residence shall be forwarded by the Code Enforcement Officer to the Town Board for review and decision. The premises shall be inspected before Town Board Approval.
  - (2) Applications for Short-Term Rentals on parcels that qualify as a Primary Residence shall be inspected by the Code Enforcement Officer or their designee upon receipt of a complete application.
  - (3) The Short-Term Rental Permit shall be issued only upon successful completion of all required inspections and satisfaction of applicable requirements.
- D. Requirements: Before a permit may be granted, the following requirements shall be met for any short-term rental unit listed :
- (1) A drawing of the building floor plan or site plan with accurate dimensions. The drawing shall designate rooms for use by guests, designate exits and access to exits and identify and specify the off-street parking spaces that are required by this chapter.
  - (2) Any Non-traditional Dwelling Unit offered as a short-term rental shall clearly disclose in all advertisements, listings, and booking platforms that the unit is an “Non-traditional Dwelling Unit.” Such disclosure shall include a clear and accurate description of the type of structure (e.g., yurt, recreational vehicle, tiny home, glamping tent) and the nature of the living arrangements and amenities a guest can reasonably expect (such as access to plumbing, electricity, heating, or cooking facilities). The purpose of this requirement is to ensure transparency for prospective guests and to avoid misrepresentation of the accommodations being offered.
  - (3) The application shall be signed by the owner of the premises and shall contain at least the following: the name, address, telephone number and e-mail address, if available, of the owner and operator, if any, as well as a local contact who is able to respond within 30 minutes.

- (4) Each establishment shall have exits clearly marked.
- (5) Each establishment shall have adequate exits (number, location and size) for the maximum number of guests which can be housed pursuant to this chapter.
- (6) Each guest room shall have a functioning smoke detector that complies with the New York State Uniform Fire Prevention and Building Code requirements.
- (7) Each establishment shall have functioning carbon monoxide detectors as required by code.
- (8) Each guest room shall have written information clearly posted, showing the location of all means of exiting the building in the event of an emergency.
- (9) Each traditional dwelling unit and Non-traditional Dwelling Units at the discretion of the Code Enforcement Officer shall have a minimum of one (1) fire extinguisher (2A10BC rated) on each floor with sleeping quarters and may, in the discretion of the Code Enforcement Officer, be required to have additional such fire extinguishers available. All fire extinguishers must be inspected once a year.
- (10) The required fee for the inspection shall be paid each year to the office of the Code Enforcement Officer.
- (11) The maximum number of occupants allowed to stay in a short-term rental unit shall be determined by the Code Enforcement Officer, based on the size, design, and configuration of the unit, as well as the availability of sanitary facilities and means of egress. The Code Enforcement Officer shall establish an occupancy limit that ensures safe and reasonable living conditions for all guests. No short-term rental may exceed the occupancy limit set by the Code Enforcement Officer.
- (12) Any Non-traditional Dwelling Unit offered as a short-term rental shall clearly disclose the type and availability of sanitary facilities, including toilets, sinks, showers, or other bathing provisions. The disclosure shall also explain the procedure for use and maintenance of these facilities during a guest's stay (e.g., connection to a sewer or septic system, on-site composting toilets, shared facilities, or required waste disposal practices). This information must be included in all advertisements, listings, and booking platforms to ensure guests have a clear understanding of the sanitary arrangements before booking.

- (13) The use by guests shall be no longer than ninety (90) consecutive calendar days.
  - (14) No parking shall be allowed in public rights-of-ways.
  - (15) One off-street parking space shall be provided for each dwelling unit designated as a rented room, as described in the application and permit, plus such additional parking spaces as the Code Enforcement Officer shall deem necessary for the residents. All parking spaces shall be graveled or paved as determined by the Town Board. Boats, trailers, and campers must use designated off-street parking.
  - (16) All signage shall comply with the Town of Wales sign ordinance for the respective zoning district the short-term rental establishment is proposed in.
  - (17) The permit issued by the Town Board and renewals thereof issued by the Code Enforcement Officer, along with the Town Noise Ordinance, and the information for local contact shall be posted at all times inside all establishments in a conspicuous place.
  - (18) No inventory of food or beverages shall be maintained for sale on the premise.
- E. The Code Enforcement Officer shall keep a directory setting forth a current listing of all premises for which a permit has been issued. The Code Enforcement Officer shall send a copy of said directory to the Fire Department, and to the Town Clerk. Said directory shall also contain the name, address, telephone number and e-mail, if any, of the owner and operator of the establishment.

**§ 197-F Fees.**

- A. The yearly fee for the inspection hereby required shall be set in the Town of Wales Fee Schedule, and any revisions of this fee in the future may be determined by the Town Board.

**§ 197-G Renewals.**

- A. Short-Term Rental Permits shall be valid for a period of one (1) year from the date of issuance.
- B. Renewal of a permit shall require payment of the applicable renewal fee and a successful inspection by the Code Enforcement Officer or their designee. Any violations or deficiencies identified during inspection must be corrected prior to renewal of the permit.

A Short-Term Rental shall not operate after expiration of the permit unless and until the permit has been renewed.

**§ 197-H Nuisance prevention and owner responsibility**

- A. It is unlawful for any transient occupant of a Short-Term Rental to create a nuisance that unreasonably disturbs the peace, comfort, repose, safety, or welfare of neighbors or the public. Nuisance includes but is not limited to excessive noise, amplified music, odor detectable beyond the property line that interferes with the use and enjoyment of neighboring property, light trespass or glare onto adjacent property, overcrowding, disorderly conduct, unlawful parking, littering, and parties or events that exceed occupancy limits or quiet hours.
- B. The owner is responsible at all times for the conduct of transient occupants and their guests. As a condition of the permit, the owner shall designate a local contact who is available twenty-four hours a day and who can respond on site within 30 minutes to address complaints or violations.
- C. Enforcement and administrative penalties
  - (1) Upon verification of a nuisance by the Code Enforcement Officer or by a police report, the Code Enforcement Officer may issue a written notice of violation and impose an administrative fine in the amount set by the Town Board fee schedule. Each day that a violation continues is a separate offense.
  - (2) Failure to respond as required by the local contact provision is a separate violation and may be cited in addition to any underlying nuisance.
  - (3) The Code Enforcement Officer may impose additional reasonable conditions to prevent a recurrence, including but not limited to reduced occupancy, quiet hours, parking plans, security, and submission of a management plan.
- D. Permit suspension and revocation
  - (1) Upon two or more substantiated nuisance violations within any twelve-month period, the Code Enforcement Officer may suspend the Short-Term Rental permit for a period not to exceed thirty days. Upon three or more substantiated nuisance violations within any twelve-month period, the Code Enforcement Officer may revoke the permit for a period not to exceed one year.
  - (2) For egregious conduct that presents an immediate threat to public health, safety, or welfare, the Code Enforcement Officer may order an interim suspension effective upon service of notice, pending a prompt hearing.
  - (3) Prior to any suspension or revocation that is not interim, the Code Enforcement Officer shall provide written notice of intent to suspend or revoke, stating the

grounds, the proposed action, and the right to a hearing. The owner shall have ten business days to request a hearing. If a hearing is requested, the Town shall schedule it within thirty days before a designated hearing officer or other body as provided by Town law. A written decision shall issue within fifteen days after the close of the hearing.

(4) An owner aggrieved by a suspension or revocation may appeal to the Town Board within fifteen days of the decision. The filing of an appeal does not stay an interim suspension unless the Town Board so orders.

(5) Failure to comply with imposed conditions is independent grounds for suspension or revocation.

E. Reinstatement. Following suspension or revocation, a permit may be reinstated upon written request to the Code Enforcement Officer demonstrating correction of violations, payment of all outstanding fines and fees, and submission of an acceptable management plan that addresses nuisance prevention and response.

F. Evidence. A violation may be substantiated by any reliable evidence including officer observations, Code Enforcement Officer inspection, calibrated sound readings, time stamped video or audio recordings, sworn neighbor statements, or other credible documentation.

G. Cumulative remedies. The remedies in this section are cumulative and do not limit the Town's ability to pursue any other remedy authorized by law, including civil penalties, injunctive relief, or criminal enforcement where applicable.

### **§ 197-I Penalties for Offenses.**

Any person, corporation, business, association, firm, partnership owning and/or operating a short term rental establishment found to be operating in violation of any provisions of this chapter, shall be guilty of a violation, and shall be subject to a fine set in the Town's Fee Schedule, or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day a substantiated violation exists, it shall be considered a separate violation of this chapter. In addition to any of the above violations found by the Code Enforcement Officer, the following are considered a violation of this chapter, and are also subject to modification or revocation of the permit:

A. That the approval of the permit was obtained by fraud.

- B. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval of, and/or in violation of any statute, ordinance, law or regulation.
- C. That the actions and conduct, and the conduct of operations of the permit holder, it's agents and /or employees, have been so exercised as to be detrimental to the public health or safety of the community, or, to constitute a public nuisance.

**§ 197-J Seasonal or Temporary Workers:**

This ordinance shall not apply to housing for seasonal or Temporary workers, such as agricultural workers, construction workers, produce packing workers, seasonal motel and hotel workers, or seasonal restaurant workers.

**§ 197-K County Law**

The provisions of this Chapter shall be subject to the provisions of CHAPTER XXI of the Erie County Code of Erie County, NY, with the exception of the term of occupancy being set forth herein as 90 days.

**§ 197-L When Effective:**

This chapter shall become effective immediately after filing with the New York State Secretary of State.

**§ 197-M Severability:**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.