

# Town of Mina

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To: Short-term Rental Property Owners

From: Melanie Eddy, Town of Mina Building Inspector/Zoning Code Enforcement Officer

Re: Town of Mina Short-term Rental Application Process

Date: July 11, 2020

A handwritten signature in black ink, reading "Melanie Eddy". The signature is written in a cursive, flowing style.

The Mina Planning Board worked for many months in 2019 on proposed amendments to the Town's Zoning Law. Those zoning amendments were presented to the Mina Town Board at the end of last year and were passed into law. The updated zoning law adopted by the town board includes new regulations that provide property owners with the opportunity to supplement their income while also ensuring the health and safety of short-term rental tenants as well as preserving the character of our neighborhoods and the environment. I've enclosed the copy of the section of the zoning law regarding these new regulations as well as the application that must be completed by all short-term rental property owners.

One of the requirements that must be met by each short-term rental property owner is in regard to septic system standards. The Chautauqua County Health Department is responsible for ensuring that properties, especially those within 250 feet of a lake, meet their current standards. I encourage you to contact the department's help desk at the county (716-753-4481) to find out if your current septic system is on file with their office and, if so, if the system has been approved for the number of bedrooms that you plan to rent under the short-term rental arrangement. The County Health Department is also responsible for testing your water and can be reached at the same phone number.

Among other requirements, a fire inspection of your property is mandated along with a current certificate of occupancy or a certificate of compliance. You can schedule your fire inspection by contacting me and I also issue the certificates of occupancy or compliance.

Enclosed is my business card with my office hours and phone numbers. My office hours in the Town of Mina are Friday mornings from 8 am to 12 noon and my phone number in Mina is 716-769-2037. You may also call me while I am working in other towns – the times and phone numbers are listed on my business card.

Thank you in advance for your cooperation with complying with the updated zoning law. Please contact me with any questions that you may have. Your compliance with the new law will ensure a safer and more enjoyable experience for your tenants and will also minimize any disruption to the character of the environment and the neighborhood.

## TOWN OF MINA SHORT-TERM RENTAL (STR) APPLICANTS INFORMATION SHEET

All Short-Term Rental Properties currently operating in the Town of Mina must secure a valid permit from the Town of Mina by December 31, 2020 or cease operating until a valid permit is issued.

The annual fee is \$100.00 and the permit expiration date for those property owners that are issued a valid permit on or before December 31, 2020 will extend to December 31, 2021. After December 31, 2020, a valid permit must be issued prior to the STR owner beginning operations. The expiration date of the permit will be one year from the issuance of the permit.

The Chautauqua County Health Department is responsible for ensuring that properties, especially those within 250 feet of a lake, meet their current standards. Contact the department's help desk at the county (716-753-4481) to find out if your current septic system is on file with their office and, if so, if the system has been approved for the number of bedrooms that you plan to rent. If your system is not on file with the county, you must schedule an inspection. The number of bedrooms to be rented may not exceed the capacity of the septic system as determined by the County.

The County Health Department is also responsible for testing your water for coliform bacteria through a NYS Department of Health certified lab to make sure that the drinking water at the STR is safe for your renters. Contact the county department's help desk at 716-753-4481 for more information.

A fire inspection of your property is mandated along with a current certificate of occupancy or a certificate of compliance. You are encouraged to schedule your fire inspection as soon as possible to avoid any possible delays in securing a permit. Contact Melanie Eddy, Building Inspector/Code Enforcement Officer at 716-769-2037 to schedule an inspection.

Findley Lake Boating and Water Safety Rules will be made available to STR applicants by the Town of Mina.

# **INFORMATION REGARDING SHORT-TERM RENTALS FROM THE ZONING LAW OF THE TOWN OF MINA**

**Local Law #1-2020  
Effective Date: July 11, 2020**

**Note: Applicants are encouraged to refer to the full Town of Mina Zoning Law as this excerpt is offered only as a convenience to parties interested in applying for an Annual Short-Term Rental (STR) Permit and is not intended to cover all aspects required to be adhered to by STR property owners.**

## **SECTION 202: DEFINITIONS**

SHORT TERM RENTAL (STR) (Sec 655)—A privately owned dwelling with approved accommodations for overnight guests in exchange for compensation. The typical duration of rental is weekly, but cannot exceed 30 days. In order to operate an STR, the owner of the dwelling must apply for an annual “Short Term Rental Permit” which is issued and approved by the Town of Mina. Dining and meals are not provided by STRs. Motels and Hotels are excluded from this definition.

## **SECTION 601: GENERAL DEVELOPMENT CONDITIONS**

A. Purposes - Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety, and general welfare.

B. Areas of Concern - The following checklist shall be considered by the appropriate Boards and administrators in their reviews of request for Building Permits, Special Use Permits and Variances. The checklist is not intended to be all inclusive and does not limit the areas of concern over which conditions may be imposed.

1. Traffic - safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off-street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.

2. Safety - trash disposal, steep slopes, open pits, toxic and/or flammable fluids.

3. Health - sewers/water, sunlight, air movement, junk vehicles and/or trash storage.

4. Character of Neighborhood - development density, traffic volume, lot sizes,

compatible uses, and/or buffers.

5. Public Costs - road damage, need for new roads, and/or need for new utilities.

6. Environmental Protection - flood plain, wetlands, and/or natural features.

7. Nuisances - noise, odor, dust, lights, hours of operation, lot size, buffers, and/or nuisance location.

8. Land Use Preservation - agriculture, and/or open space.

9. Aesthetics - restoration, appearance, scenic views, and/or buffers.

## **SECTION 655: SHORT-TERM RENTALS**

- A. Purpose – The purpose of this section is to provide regulations for the operation of Short-Term Rental (STR) properties which are single family dwellings in Business Districts (B1 and B2) and in Non-Business Districts (R1, R2, AR, and A) within the Town of Mina. Short-Term Rental properties are not allowed in Business Districts (B3 and B4).

The intent is to:

- provide the opportunity for homeowners to supplement their income so as to enhance their quality of life.
- maintain and preserve our neighborhoods and our property values. The STR property must be in concert with the character of the neighborhood and district and must maintain the appearance of a single-family residential home. Therefore, mobile homes, accessory buildings, recreational vehicles or travel trailers cannot serve as STRs.
- Improve our community's way of life and economy, while maintaining public health and safety, and enhancing the historical character and family-oriented nature of our Town.

### **B. Standards for Owners of Short-Term Rentals**

#### **1. Business Districts (B1 and B2)**

- i. The occupancy period for a Short-Term Rental property is a maximum of 30 consecutive days.
- ii. A maximum capacity of five (5) Short-Term Rental bedrooms is allowed. The occupancy of the STR may not be in excess of 10 occupants at one time.
- iii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
- iv. No external modifications of the structure shall be allowed without the consent of permitting boards in conjunction with the creation of a Short-Term Rental. All internal modifications shall be accomplished in accordance with the New York State Uniform Building Code.

- v. Must provide adequate “off street” parking for all occupants; a minimum of one parking space is required for each bedroom in the STR.
  - vi. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
  - vii. Must comply with all other Town of Mina Zoning Code regulations.
  - viii. Must comply with all Local, County, State and Federal laws.
  - ix. Must provide proof of liability insurance.
  - x. Must provide adequate trash containers and disposal to support multiple occupants.
  - xi. Only one building per property/parcel may be utilized as a Short-Term Rental unit.
  - xii. Must complete an “Application for Operation of a Short-Term Rental Property”.
  - xiii. Must obtain a Permit from the Town of Mina.
  - xiv. Short-Term Rental properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
  - xv. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
  - xvi. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner’s site.
2. Non-Business Districts (R1, R2, AR and A)
- i. The occupancy period for a Short-Term Rental property is a maximum of 30 consecutive days.
  - ii. A maximum capacity of five (5) Short-Term Rental bedrooms is allowed. The occupancy of the Short-Term Rental may not be in excess of 10 occupants at one time.
  - iii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
  - iv. Must provide adequate “off street” parking for all occupants; a minimum of one parking space is required for each bedroom in the Short-Term Rental.
  - v. No external modifications of the structure shall be allowed without the consent of permitting boards in conjunction with the creation of a Short-Term Rental. All internal modifications shall be accomplished in accordance with the New York State Uniform Building Code.
  - vi. A Short-Term Rental must be the owners’ primary or secondary domicile.
  - vii. Homeowner must live in the dwelling for a least 31 days each calendar year. The calendar year is the same as the permit duration.
  - viii. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
  - ix. Must comply with all other Town of Mina Zoning Code regulations.
  - x. Must comply with all Local, County, State and Federal laws.
  - xi. Must provide proof of liability insurance.
  - xii. Must provide adequate trash containers and disposal to support multiple occupants.

- xiii. Only one building per property/parcel may be utilized as a Short-Term Rental.
- xiv. Must complete an "Application for Operation for a Short-Term Rental".
- xv. Must obtain a Permit from the Town of Mina.
- xvi. Short-Term Rental properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
- xvii. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
- xviii. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner's site.

C. Application Procedure for Operating a Short-term Rental

1. Obtain the Application Form from the Town of Mina Code Enforcement Office.
  2. Application must be completed by the owner of the property.
  3. Attach all required documents to the application:
    - i. Certificate of Occupancy and/or Certificate of Compliance issued by the Town of Mina Code Enforcement Office.
    - ii. Certificate of Insurance.
    - iii. Approval from the Chautauqua County Health Department for water and septic.
    - iv. Parking plan drawing.
  4. Applications with incomplete information will be rejected.
  5. Submit the completed application and related documents to the Town of Mina Code Enforcement Office.
  6. Pay the required application fee.
  7. Owner's signature on the application will serve as an affidavit that they will instruct all tenants regarding rental property safety and use:
    - v. Findley Lake boating rules and water safety must be posted on the premises.
    - vi. No illegal activity is permitted.
    - vii. Tenants must respect neighboring properties and not encroach on property boundaries.
    - viii. Tenants must adhere to noise abatement laws.
    - ix. Tenants cannot cause public disturbance or nuisance.
    - x. Number of tenants cannot exceed maximum occupancy.
  8. Permits may be revoked at any time for non-compliance, nuisance, or complaints.
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# TOWN OF MINA



## ANNUAL SHORT-TERM RENTAL (STR) PERMIT APPLICATION

<b>Part 1 – Owner Information</b>	
Applicant Name	
Rental Site Name	
Rental Site Physical Address	
Rental Site SBL and Zoning District	
Property Owner Name	
Property Owner Address	
Phone Number (cell)	(other)
Email address(es)	

  

<b>Part 2 – Requirements for Rental Property Permit (ALL Required - Attach Copies)</b>	
Chautauqua County Department of Health Septic System Report	
Chautauqua County Department of Health Water Test	
Chautauqua County Bed Tax Certificate	
Town of Mina Certificate of Occupancy and/or Certificate of Compliance	
Town of Mina Fire Inspection	
Certificate of Insurance with Dates, Liability Coverage & Town of Mina Named	
Certificate of Insurance to Rent Motorized Watercraft or Affidavit Stating that Owners Do Not Authorize Paying Guests to Use Their Motorized Watercraft	
Off Street Parking Plan	
Affidavit on Maximum Number of Bedrooms to Be Rented	
Payment of Annual Short-Term Rental Application Fee	

  

<b>Part 3 – Local Emergency Contact (Required)</b>	
Name	
Local Address	
Cell Phone	
Email Address	

<b>Part 4 – Owner Responsibility (Initial Each Line)</b>	
I reviewed all pertinent sections of the Zoning Law & agree to comply with the law.	
I agree not to exceed or advertise beyond the maximum occupancy permitted.	
I agree to post a copy of my STR Permit with maximum occupancy at the STR.	
I agree to pay all applicable taxes.	
I agree to post the “Findley Lake Boating and Water Safety Rules” at the STR.	
I agree to instruct all tenants in writing that: Tenants using the lake must abide by “Findley Lake Boating & Water Safety Rules” Tenants may not engage in illegal activity Tenants must respect neighboring properties and boundaries Tenants must adhere to noise abatement laws Tenants cannot cause public disturbance or nuisance Tenants cannot exceed maximum occupancy	
If STR is in a non-business district, I agree that the STR is the owner’s primary or secondary domicile.	
If STR is in a non-business district, I agree that the owner dwells in the STR at least 31 days in each calendar year.	
I will not advertise the STR without a permit and I will display the current permit number in all advertising.	
I understand that failure to comply with all regulatory requirements may result in fines, revocation of permit, or both.	

<b>Part 5 – Affidavit</b>	
By my signature below, I certify that I am the owner or the authorized agent of the stated property and that all information and contents of this application are true and correct. I also agree that this document will serve as a legal record and that I understand and will comply with all of the rules and regulations pertaining to the operation of a Short-Term Rental Property within the Town of Mina.	
Signature	
Print Name	
Date	

<b>For Town of Mina Use Only</b>	
Payment of Annual Short-Term Rental Application Fee: Date Received	
Permit: Date Issued	Expiration Date
Notes/Comments:	