

PROPOSED ORDINANCE NO. \_\_\_\_\_

**Short-Term Rental Licensing & Inspection Ordinance**

For the

\_\_\_\_\_ OF \_\_\_\_\_ County, Pennsylvania

**BE IT ORDAINED AND ENACTED** by the \_\_\_\_\_ of  
, \_\_\_\_\_ County, Pennsylvania, as follows:

**§101. Title.** This Ordinance shall be known and may be cited as the " Short-Term Rental Licensing & Inspection Ordinance."

**§102. Purpose.** The purpose of this Ordinance is to require the owner or owners of a residential dwelling unit that is used as a short-term rental, as defined herein, to apply for and secure a License authorizing such use in the manner provided for by this Ordinance in order to protect and promote the public health, safety and welfare. This Ordinance does not apply to *Hotels, Motels, Congregate Living Facilities, Residential Rental Properties, and Rooming or Lodging Houses.*

**§103. Definitions.** The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

***BED & BREAKFAST.*** An *owner-occupied building* designed, used and occupied as a single-family residence, but having, as an accessory use therein, public lodging rooms and facilities for and serving breakfast prepared within the *building* to preregistered transient guests.

***BED & BREAKFAST - HOMESTAY (BBH)*** Owner-occupied property offering 1 to 5 rooms for occupancy and meeting the definition of a BED & BREAKFAST as defined by the Municipality's Zoning Ordinance.

***BED & BREAKFAST - INN (BBI)*** Owner lives in or *adjacent* to property, offering 6 to 15 rooms for occupancy and meeting the definition of a BED & BREAKFAST as defined by the Municipality's Zoning Ordinance.

***CONGREGATE LIVING FACILITIES.*** A *building* or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both (this definition includes fraternities/sororities).

***DWELLING UNIT.*** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

***HABITABLE SPACE(S).*** Space in a *structure* for living, sleeping, eating, or cooking. *Bathrooms, toilet rooms, closets, halls, storage, utility spaces, and similar areas* are not considered *habitable spaces.*

**HOMESTAY (Short-Term Rental Type 1 or SRT1).** Owner-occupied property offering 1 to 5 bedrooms OR an accessory structure, e.g. garage apartment, guest house, for let or occupancy on a transient basis.

**HOTEL.** Any building that contains six or more sleeping units used, or intended or designed to be used, occupied, rented or hired out on a daily basis for sleeping purposes by guests, that may include dining facilities and that is licensed under applicable laws. Use Group R-1.

**LET OR LET for OCCUPANCY.** To permit, provide, or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure* by a *person* who is or is not the legal *owner* or *person-in-charge* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MOTEL.** See "hotel."

**OCCUPANCY.** The purpose for which a *building* or portion thereof is utilized or occupied.

**OCCUPANT(S).** Any individual or individuals living or sleeping in a *building* or having possession of a space within a *building*.

**OCCUPANT LOAD.** The number of persons for which the *means of egress* of a *building* or portion thereof is designed.

**ONE OR TWO-FAMILY DWELLING** For the purposes of this code, a *detached* dwelling for one or two families and multiple single-family dwellings (*townhouses*)—and not more than three (3) stories in height with a separate *means of egress*.

**OWNER.** Any *person*, firm, or corporation having a legal or equitable interest in the *premises*; or recorded in the official records of the state, county, or municipality as holding title to the *premises*; or otherwise having control of the *premises*, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or in the absence of such people, the *person-in-charge*, or the *owner* or *person-in-charge's* employee or representative.

**OWNER-OCCUPIED.** The primary residence of a person(s) or the individual beneficiaries of a legal entity that holds title to the property, where such persons are physically present and living within dwelling units on said property for at least six (6) months each calendar year.

**PERSON/PERSONS.** An individual, corporation, partnership, or any other group acting as a unit.

**PREMISES.** A lot, plot, parcel of land, *easement*, or *public way*, including any *structures* thereon

**RESIDENTIAL RENTAL PROPERTY.** Any *building*, or portion thereof, which is *let for occupancy* or rent for 30 or more days as a residential dwelling, with or without compensation. This definition shall not include hotels, motels, dormitories, *transient* or *short-term rentals*, or *bed-and-breakfast* establishments as defined herein.

**ROOMING HOUSE OR LODGING HOUSE.** An owner-occupied, single-family dwelling in which lodging without meals is provided on a monthly basis and in which more than three unrelated persons live.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**SHORT-TERM RENTAL.** A dwelling wherein a furnished room, multiple rooms or an entire property is *let for occupancy* for a period ranging from 1 - 29 days.

**SHORT-TERM RENTAL TYPE I (HOMESTAY).** Owner-occupied property offering 1 to 5 bedrooms OR an accessory structure, e.g. garage apartment, guest house, that is let for occupancy on a *transient* basis

**SHORT-TERM RENTAL TYPE II (STR2).** A Non-Owner-Occupied one or two-Family dwelling (*Use Group R-3*) that is let for occupancy on a *transient* basis.

**SHORT TERM RENTAL TYPE III (STR3).** A Non-Owner-Occupied dwelling in a multifamily residential property (*Use Group R-2*) offered for let or occupancy on a *transient* basis.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**TRANSIENT.** *Occupancy* of a dwelling unit or sleeping unit for not more than 29 days (1 - 29 days).

**USE GROUP R-1.** This use group shall include all hotels, motels, and boarding houses for more than five (5) *occupants* who are primarily *transient* in nature and occupying the facilities for a period of less than 30 days.

**USE GROUP R-2.** This use group shall include all multiple-family dwellings having more than two (2) *dwelling units*, *rooming houses* having more than five (5) *rooming units*, and *fraternities/sororities* in which the *occupants* are primarily not *transient* in nature.

**USE GROUP R-3.** This group shall include all *buildings* arranged for *occupancy* as one or two-family *dwelling units* including not more than five (5) lodgers or boarders, or adult and child care facilities that provide accommodations for five (5) or fewer *persons* of any age for less than 24 hours.

**USE GROUP R-4.** This use group shall include all residential *buildings* arranged for *occupancy* as Residential Care/Assisted Living Facilities including more than five (5) but not more than 16 *occupants*, excluding staff.

**§104. License Required.** No owner of a *Short-Term Rental* or *Bed & Breakfast* shall rent, let, offer to rent, or advertise for rent the short-term rental to another person without a valid Short-Term Rental License approved and issued in the manner provided for by this Ordinance. Effective upon enactment of this ordinance, all Owners must obtain a Short-Term Rental License for all properties currently meeting the definition of a Short-Term Rental and for any new properties before they are offered for rent.

- A. A separate License is required for each *dwelling unit* within a structure being offered for rent or let.

**§105. License Application; Fee.** The application for a Short-Term Rental License shall be made by the owner to the Code Official accompanied by a fee established by resolution of the Borough Council. A separate License is required for each dwelling unit within a structure being offered for rent or let.

The application shall include the following information:

- A. The name, address and telephone numbers and email of the Owner of the short-term rental for which the License is to be issued.
- B. The name, address and telephone numbers and email of the Agent, when required, of the Owner of the short-term rental.
- C. A complete floor plan of the property, including room sizes and a site plan showing parking and any fenced areas accessible by occupants. Plans must be of all levels and *habitable spaces*, identify all rooms on all floors, and Indicate locations of smoke detectors, CO2 detectors and fire extinguishers (if provided) . Plans may be hand drawn, providing they are neat, legible and accurate.
- D. A copy of the Zoning Permit for such use, issued by the Zoning Officer of the Municipality.
- E. A copy of the Business License issued by your Municipality.
- F. Proof of general liability insurance with a minimum amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Municipality harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the Licensing of the short-term rental.
- G. A current Inspection Report showing the proposed Short-Term Rental has been inspected by the Code Enforcement Officer or Agency of the Municipality and has been found to be in full compliance with the currently adopted Property Maintenance Code of the Municipality within the previous 15 days.
- H. Such other information as the Code Official may deem appropriate to show compliance with all applicable Municipal ordinances.

**§106. Inspections.** Prior to the issuance of a License under this Ordinance, the owner of the Short-Term Rental shall permit the Code Enforcement Officer or agency of the Municipality to inspect the short-term rental unit to ensure that the rental unit is in compliance with the Property Maintenance Code adopted by the Municipality.

After this initial inspection for License, inspections to verify continued compliance with this Ordinance and the Municipality’s adopted Property Maintenance Code shall be performed on a regular basis in accordance with the following schedule:

<b>SHORT-TERM RENTAL TYPE I (HOMESTAY)</b>	Biennially (24 months), on or before anniversary of Initial License
<b>SHORT-TERM RENTAL TYPE II (STR II)</b>	Annually, on or before anniversary of Initial

	License
<b>SHORT TERM RENTAL TYPE III (STRIII)</b>	Annually, on or before anniversary of Initial License
<b>BED &amp; BREAKFAST HOMESTAY (BBH)</b>	Biennially (24 months), on or before anniversary of Initial License
<b>BED &amp; BREAKFAST INN (BBI)</b>	Annually, on or before anniversary of Initial License

**§107. License Renewal.** The License once issued shall be valid for the terms shown below, unless any of the required conditions present at time of initial application change. The owner shall renew a short-term rental License by re-applying on or before the expiration date of the License. All License renewals issued pursuant to this Ordinance are subject to the same requirements as the initial License application as outlined in Section 105.

A. The License once issued shall be valid for the period shown below from date of issue:

<b>License Type</b>	<b>Renewal Interval</b>
<b>SHORT-TERM RENTAL TYPE I (HOMESTAY)</b>	24 months
<b>SHORT-TERM RENTAL TYPE II (STRII)</b>	12 Months
<b>SHORT TERM RENTAL TYPE III (STRIII)</b>	12 Months
<b>BED &amp; BREAKFAST HOMESTAY (BBH)</b>	24 Months
<b>BED &amp; BREAKFAST INN (BBI)</b>	12 Months

**§108. Conditions of License.**

- A. The short-term rental must maintain the minimum parking spaces required by the Zoning Ordinance for the use and Zoning District.
- B. Short-term rentals shall be used only for overnight lodging accommodations.
- C. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons\* per bedroom plus four (4) additional persons, e.g.:

Number of Bedrooms	Maximum Number of Occupants
2	8
3	10
4	12
5	14

\*Children under the age of 12 are not included in the occupancy calculations.

- D. All advertising for the short-term rental shall include the License number issued pursuant to this Ordinance.
- E. The primary overnight and daytime occupant or guest of the short-term rental must be an adult individual. This primary adult occupant or guest must provide a telephone number to the Owner and shall be accessible to the Owner by telephone at all times.

- F. Prior to renting, the Owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The Owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the short-term rental with the provisions of this Ordinance. This information shall be readily available upon request of the Code Official.
- G. The owner shall ensure that the occupants of the short-term rental do not violate any Municipal Ordinance, community rule or regulation, or State or Federal Law. Owners are expected to take all measures necessary to ensure that the occupants of the short-term rental do not violate any Municipal Ordinance, community rule or regulation, or State or Federal Law, including notifying law enforcement, the Code Official and/or private security for the community in which the short-term rental is located.
- H. The Code Official shall have the authority at any time to impose additional uniform or standard conditions, applicable to all short-term rentals, as necessary to achieve the objectives of this Ordinance.
- I. If it appears to a Code Official that a violation of this Ordinance or an issued Short-term Rental License exists or has occurred, the Code Official shall provide a written Notice of Violation to the Owner, delivered personally, or by both United States first class and certified mail. The Enforcement Notice shall identify the premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance or Regulations which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Code Official based upon the nature of the violation) to correct the violation. The time frame may be immediate however in no event shall the time within which to correct the violation exceed seven (7) days.

**§109. Posting of License; Limitation on License; No Guarantee of Habitability.**

- A. Short-Term Rentals shall clearly and visibly post the License when issued within the dwelling unit on or adjacent to the inside of the front door containing. The License will contain the following information:
  - 1. The name of the owner of the unit or the managing agency, agent, property manager or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
  - 2. The E-911 address of the property.
  - 3. The Occupancy Load of the unit (Both the maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time. This calculation will be made by the Code Officer during initial inspection of the unit.)
  - 4. The number of parking spaces required for the unit.
  - 5. Notification that Short-Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.
  - 6. Notice that the Occupants of the Short-term Rental may be issued tickets or citations for violations of the Borough's Quality of Life Ordinance.

- B. Limitation on License. Short-term Rental Licenses are not transferable from one owner to another. A new application must be submitted and a new License will be issued in accordance with Section 105.
- C. The issuance of a Short-term Rental License is not a guarantee that the premises is lawful, safe, habitable, or in compliance with this Ordinance or any other applicable Ordinances. Rather, a License indicates that the premises met the requirements of this Ordinance at the date and time of the inspection.

**§110. Denial of License.** No application for an initial or renewal License shall be denied if it is in compliance with this Ordinance. If a short-term rental License is denied, the Code Official shall send the owner written notice of the denial along with the reasons for denial. The owner has the right to appeal the denial of a License under Section 112 below.

**§111. Revocation of License.** Any Short-Term Rental License issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this Ordinance has occurred on three or more occasions after the issuance of the License. A License may only be revoked by the Code Official after written notice to the owner describing the violation of this Ordinance or the condition of the License citing the applicable sections of this Ordinance. The owner has the right to appeal the revocation of a License under Section 112 below.

**§112. Notice/Service; Corrective Measures; Appeal Rights.**

- A. Notice/Service. The Code Official shall have authority to give notice, by personal service, posting of the short-term rental, or by both United States first class and certified mail, postage prepaid, to any owner violating this Ordinance, or when denying or revoking a License.
- B. Corrective Measures. For a violation, the notice shall direct compliance with this Ordinance within seven (7) calendar days following service of the notice. Any notice issued for a violation of this Ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation is for the same section of this Ordinance and the violation occurs within the same calendar year.
- C. Appeal. Any person directly affected by a determination of the Code Official shall have the right to appeal to the Board, provided that a written application for appeal is filed within twenty (20) calendar days after the day the notice was served or the License issued.
- D. Stays of enforcement. Appeals of notices or Licenses issued by the Code Official shall stay the action or enforcement of the notice until the appeal is heard by the Board.

**§113. Enforcement.** The Code Official of the Municipality is charged with enforcement of the provisions of this Ordinance.

**§114. Penalties.** Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the

court, each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. Such penalties for violation of any notice to cease violation or notice and order to correct shall begin to accrue on the first day such notice is served and shall cease on the day the violation is stopped or abated.

**§115. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**§116. Repealer.** All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

**§117. Effective Date.** This Ordinance shall become effective within 30 days following its adoption.

**ENACTED, ORDAINED and ADOPTED** by the Elected Officials of \_\_\_\_\_  
\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ of \_\_\_\_\_

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SECRETARY

APPROVED:

\_\_\_\_\_

\_\_\_\_\_