

Ordinance # 1098

Chapter 13 Licenses, Permits and General Business Regulations

NEW Part 10 Short Term Rental Properties

§ 13-1001 Definitions.

As used in this Part, the following terms shall have the meanings indicated:

SHORT-TERM RENTAL

The rental or offer for rental of a dwelling unit or any portion of a dwelling unit for a period of less than 30 days. "Short-term rental" does not include:

- A.** Extension of a lease for periods of less than 30 days when the original lease was for a period of 30 days or more.
- B.** A leaseback arrangement under which the seller of a home leases the home back from the purchaser for periods of less than 30 days.

SHORT-TERM RENTAL UNIT

A dwelling unit, a portion of a dwelling unit, or any other structure or space that is offered to guests for short-term rental purposes, as defined herein. "Short-term rental unit" does not include:

- A.** A structure or any part of a structure not intended for human occupancy, including space in utility sheds, garages, attics, or basements that is not designed, inspected, and licensed to ensure proper certification for human occupancy.
- B.** A camper, tent, or vehicle, including a recreational vehicle.
- C.** Rooms or suites at hotels.
- D.** Accommodations at bed-and-breakfast establishments properly approved by the Borough.
- E.** Health care facilities licensed by the state.

- (3)** May not be a co-habitant with a person who lives at the same dwelling unit where the short-term rental unit will be located and has had a permit or license for operation of a short-term rental or other guest accommodation revoked within the previous 24 months, either within the Borough or at any other location.
- E.** Expansions. A short-term rental permit is valid only for the short-term rental unit as depicted in the permit application. A short-term rental unit may not be enlarged or expanded to include other rooms unless a new permit is obtained.
- F.** Expiration. A short-term rental permit shall expire one year after the date of issuance unless it is renewed prior to expiration.

§ 13-1003 Application requirements.

To obtain a short-term rental permit, an applicant must first complete an application on a form prescribed by the Borough and provided by the Borough Manager or Code Enforcement Officer. The application form must include:

- A.** The address of the proposed short-term rental unit.
- B.** The name, mailing address, street address (if different from the mailing address), telephone number, and email address of:

 - (1)** The applicant;
 - (2)** The record owner of the property, if the applicant is not the record property owner;
 - (3)** A local responsible party, if other than the applicant, who:

 - (a)** Resides or is located within five miles of the short-term rental unit; and
 - (b)** Will be responsible for addressing operational and safety concerns and responding to nuisance complaints; and
 - (4)** An alternate contact person, who:

- (3)** All other rooms and indoor areas to be used by short-term rental guests;
- (4)** The location of windows, doors, and smoke and carbon monoxide detectors; and
- (5)** The evacuation route in case of fire or other emergency and verification of the presence of fire extinguishers, smoke alarms, and carbon monoxide detectors that are properly maintained and functioning.

H. A site plan of the lot showing:

- (1)** The location of the proposed short-term rental unit;
- (2)** Dedicated parking spaces for short-term rental guests; and
- (3)** Any outdoor areas that will be available to guests, such as patios, balconies, swimming pools, pet enclosures, and other outdoor amenities.

I. Photographs taken from each property line, showing views of the structure where the short-term rental unit is to be located.

J. An affidavit, signed by the applicant, stating that:

- (1)** All information provided by the applicant is true and accurate; and
- (2)** The applicant has reviewed, understands, and agrees to comply with the requirements of this Part.

K. Any additional information determined by the Borough Manager or Code Enforcement Officer to be necessary for processing the application and verifying the eligibility of the applicant and the proposed short-term rental unit.

L. Payment of an application fee plus an inspection fee if an inspection is required pursuant to this Part. Application and inspection fees shall be set by resolution of Borough Council from time to time.

B. Failure to pass inspection. If a proposed short-term rental unit fails to pass the inspection required under this section, the applicant may request a reinspection, provided the reinspection request is submitted within 60 days of the first inspection and an additional inspection fee is submitted to the Borough. The application will be voided and no permit will be issued if the proposed short-term rental unit fails to pass reinspection.

C. Insurance; other legal requirements. If no appeal contesting issuance of a short-term rental permit is filed with the Aspinwall Borough Council within the applicable deadline, or if the Aspinwall Borough Council, upon hearing an appeal, has decided in favor of an applicant for a short-term rental permit, the applicant must within 30 days:

(1) Provide proof that the applicant has obtained or applied for all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals, including, but not limited to:

(a) Borough occupancy permit; and

(b) Any state, county, or local tax filings or forms specific to short-term rentals; and

(c) Any other license, permit, registration, or approval that may be required by state, county, or local regulations now or in the future, and as may be specifically requested by the Borough to complete the application.

(2) Provide proof of liability insurance with a company authorized to do business in the State of Pennsylvania, insuring against personal injury (including death) and property damage claims related to the short-term rental use, with coverage limits of no less than \$500,000 per occurrence. Said insurance coverage must remain in effect the entire time a short-term rental unit is available for rent.

D. Failure to complete required measures. An application for a short-term rental permit will be voided and no permit will be issued if the applicant fails

- (3)** Limitations on the number of guests per dwelling unit or per bedroom;
- (4)** Limitations on the type, size, and number of pets per dwelling unit based on property characteristics, location, and proximity to other homes;
- (5)** Display of signs or placards visible from the street that denote the property as a short-term rental unit and provide phone numbers for the local responsible party and alternate contact person;
- (6)** Prohibition of guest use of certain outdoor areas;
- (7)** Limited hours for use of outdoor areas; or
- (8)** Prohibition of special events or for-profit functions.

§ 13-1007 Appeals from issuance or denial of permits.

A. Filing an appeal. Pursuant to the procedures established under this Part and Local Agency Law, an appeal may be filed with the Aspinwall Borough Council by:

- (1)** An applicant whose application for a short-term rental permit has been denied or who wishes to appeal any special conditions imposed by the Borough Manager or Code Enforcement Officer; or
- (2)** Owners and occupants of dwelling units within 100 feet of the proposed short-term rental unit that are aggrieved by the issuance of a short-term rental permit.

B. Reversal of decision to issue or deny permit. The Aspinwall Borough Council may reverse the Borough Manager or Code Enforcement Officer's decision to issue or deny a short-term rental permit if it determines the Borough Manager or Code Enforcement Officer acted in error. If the Aspinwall Borough Council finds in favor of the applicant whose application for a permit has been denied, the Borough Manager or Code Enforcement Officer shall issue a short-term rental permit that is in compliance with the Aspinwall Borough Council's findings upon completion of any final measures remaining to be completed under § **13-1004**.

A. Renewal required upon expiration. A short-term rental permit must be renewed upon its expiration if the operator plans to continue renting the short-term rental unit. It is a violation of this Part to continue operating a short-term rental unit after the permit has expired; provided, however, that if no complaints have been submitted to the Borough or are pending in regard to the short-term rental unit, the permit holder may continue to operate the short-term rental unit for a thirty-day grace period following its expiration to allow for submission of a renewal application.

B. Renewal application. An application for renewal of a short-term rental permit must include:

(1) All of the same information required for an application for a new permit under § **13-1003**, provided that no floor plan, site plan, or photographs are required if the permit holder affirms that no changes have been made or are proposed to be made to the short-term rental unit or the property containing the short-term rental unit;

(2) Updated proof of liability insurance, consistent with the requirements of § **13-1004**;

(3) Proof that all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals are current;

(4) Proof that real estate taxes and all applicable local taxes and fee payments for the operation of the short-term rental unit are current; and

(5) Payment of a renewal application fee plus an inspection fee if an inspection is required pursuant to this Part.

C. Floor plan and site plan revisions. A revised floor plan must be submitted if any changes have been made or are proposed to be made to the area included as part of the short-term rental unit. A revised site plan must be submitted if the previous site plan no longer accurately depicts the property or there are proposed changes to the property as depicted in the previously approved site plan. Floor plan and site plan revisions are subject to the following provisions:

(5) Inspection required for renewal at least once every three years. As a condition of renewal of a short-term rental permit, the applicant must schedule a new inspection with the Borough Manager or Code Enforcement Officer at least once every three years to verify that:

(a) The property complies with all applicable building and fire codes; and

(b) The most recently approved floor plan and site plan accurately reflect the property.

(c) Nothing shall restrict the Borough from conducting inspections more frequently as determined in the discretion of the Borough Manager or Code Enforcement Officer.

D. Failure to pass inspection. If the short-term rental unit fails to pass the inspection, the applicant may request a reinspection, provided:

(1) The reinspection request is submitted within 60 days of the first inspection and an additional inspection fee is submitted to the Borough;

(2) The Borough Manager or Code Enforcement Officer may, at its discretion, suspend the short-term rental permit and order that no short-term rental use take place at the premises unless the unit passes reinspection; and

(3) The application will be voided and the permit will not be renewed if the proposed short-term rental unit fails to pass reinspection.

§ 13-1010 **Violations and penalties.**

A. Any person violating any of the provisions of this Part shall be subject to a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each and every day that a violation persists under the terms of this Part shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

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