

OFFICIAL

**BOROUGH OF ASPINWALL
ORDINANCE NO. 1098**

AN ORDINANCE OF THE BOROUGH OF ASPINWALL, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10 OF THE ASPINWALL BOROUGH CODE OF ORDINANCES, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, BY ADDING A NEW PART, PART 10, SHORT-TERM RENTAL PROPERTIES, REQUIRING A PERMIT, ESTABLISHING PERMIT APPLICATION REQUIREMENTS, ESTABLISHING PROCEDURES FOR DENIAL AND ISSUANCE OF PERMITS, PROVIDING FOR APPEALS OF DENIAL AND ISSUANCE OF PERMITS, PROVIDING FOR TRANSFERS, ASSIGNMENTS AND RENEWALS, ESTABLISHING GROUNDS FOR NONRENEWAL, SUSPENSION, AND REVOCATION, ESTABLISHING VIOLATIONS AND PENALTIES, AND REPEALING ANY ORDINANCE INCONSISTENT HEREWITH.

WHEREAS, the Council of the Borough of Aspinwall (“Borough”) acknowledges that residential properties have the ability to be used as short-term rentals; and

WHEREAS, the Council of the Borough of Aspinwall acknowledges that the presence of short-term rentals in primarily residential areas is reasonable likely to interfere with the quiet enjoyment of surrounding residences, negatively impact property values, deteriorate the communal nature of residential neighborhoods, pose an increased risk of harm as a result of the influx of transient persons, and be overall detrimental to the general welfare of the community; and

WHEREAS, the Council of the Borough of Aspinwall desires to permit short-term rental uses within the Borough in such a manner as to provide the benefits of such rentals while protecting the character and residential qualities of the neighborhoods.

WHEREAS, the Council of the Borough of Aspinwall finds that short-term rentals should be subject to reasonable regulations and permitting requirements to safeguard the health and safety of guests and to prevent and abate nuisance conditions.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Aspinwall, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. Chapter 13 of the Borough of Aspinwall Code of Ordinances, (“Licenses, Permits and General Business Regulations”) is hereby amended by adding Part 10, (“Short-Term Rental Properties”) as follows:

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 thirty (30) days. "Short-term rental" does not include:

- A. Extension of a lease for periods of less than thirty (30) days when the original lease was for a period of thirty (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 thirty (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.

§ 13-1002 Short-term rental permit required.

- A. Permit required. Any person operating a short-term rental unit or advertising any property within the Borough of Aspinwall as available for short-term rental use must hold a valid short-term rental permit. When an applicant desires to operate more than one short-term rental unit within a single dwelling unit, the applicant must obtain a separate permit for each short-term rental unit. A permit holder must include the short-term rental permit number in all advertisements for a short-term rental unit, including

all online listings. No permit shall be required for owner-occupied short-term rentals that offer only a bedroom in the principal residence that does not constitute a self-contained dwelling unit and that is concurrently occupied by the owner for the duration of the stay.

- B. Multiple permits prohibited. No person may hold more than three short-term rental permits concurrently.
- C. Preexisting short-term rentals. Notwithstanding the foregoing, short-term rental units that were lawfully operated prior to the adoption of this Part may continue in operation, provided that:
 - (1) The operator must apply for a short-term rental permit no later than forty-five (45) calendar days after enactment of this Part or within fifteen (15) calendar days of written notice from the Borough that a permit is required;
 - (2) The operator of the short-term rental unit must meet the eligibility requirements for an applicant for a short-term rental permit as established in this Part; and
 - (3) The short-term rental unit must meet the eligibility requirements established in this Part.
- D. Applicant. An applicant for a short-term rental permit:
 - (1) Must be a natural person who is at least twenty-one (21) years old and has the legal right to occupy the dwelling unit and operate a short-term rental unit;
 - (2) May not be a person who has had a permit or license for operation of a short-term rental unit or other guest accommodation revoked within the previous twenty-four (24) months, either within the Borough or at any other location; and
 - (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 twenty-four (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 (5) air 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:
 - (a) Resides or is located within ten (10) air miles of the short-term rental unit; and
 - (b) Will be responsible for addressing operational and safety concerns and responding to nuisance complaints in the event the operator of the short-term rental or local responsible party is unavailable or does not respond.
- C. A statement signed by the property owner, if the applicant is not the property owner, authorizing the applicant to submit the application.
- D. The name and contact information for any host platform the applicant plans to use for listing the proposed short-term rental unit.
- E. A statement verifying that:
 - (1) The applicant has confirmed that the proposed short-term rental use will not violate any covenants, homeowners' association rules, bylaws, condominium agreement terms, rental agreement terms, or other restrictions applicable to the property; and

(2) No permit or license for operation of a short-term rental unit or other guest accommodation, either within the Borough or at any other location, has been revoked in the twenty-four (24) month period preceding the date of the application, either from:

(a) The applicant; or

(b) A person who is a co-habitant with the applicant.

F. Proof of payment of property taxes applicable to the parcel on which the proposed short-term rental unit will be operated.

G. A floor plan, drawn to scale, showing:

(1) The structure containing the proposed short-term rental unit;

(2) The rooms to be used by short-term rental guests for sleeping;

(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.

§ 13-1004 **Final measures to be completed prior to permit issuance.**

- A. Inspection; notice to interested parties. Within thirty (30) days of the date of notification by the Borough Manager or Code Enforcement Officer that it has determined a short-term rental application to be complete and all prerequisite conditions and criteria to have been met, the applicant must:
 - (1) Contact the Borough Manager or Code Enforcement Officer to schedule an inspection, as may be required by this Part, to verify that:
 - (a) The property complies with all applicable building, property maintenance, and fire codes; and
 - (b) The floor plan and site plan provided with the application accurately reflect the property; and
 - (2) Provide proof that the applicant has given written notice to the owners and occupants of each dwelling unit within 100 feet of the property line of the proposed short-term rental unit. Acceptable forms of proof shall be as determined by the Borough Manager or Code Enforcement Officer. The Borough Manager or Code Enforcement Officer shall also post the notice on the Borough's website. The notice shall:
 - (a) Be in a format approved by the Borough Manager or Code Enforcement Officer;
 - (b) Inform each such owner or occupant of the pending application, the Borough Manager or Code Enforcement Officer's intent to issue the permit, and the owner's or occupant's right to appeal the issuance of the permit;
 - (c) Include a copy of the complete permit application for the proposed short-term rental unit; and
 - (d) Provide contact information for the Borough Manager, Code Enforcement Officer, and the applicant for obtaining further information.

- 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 sixty (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 re-inspection.
- C. Insurance; other legal requirements. If no appeal contesting the 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 thirty (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 to complete any of the measures required under this section within the required time frame.

§ 13-1005 Denial of permit.

If the Borough Manager or Code Enforcement Officer determines that a proposed short-term rental unit or the person applying for a permit to operate the unit fails to meet any requirement, condition, or criteria established by this Part, the permit will be denied, subject to the applicant's right to appeal the denial as provided in this Part.

§ 13-1006 Issuance of permit.

- A. Borough approval. The Borough Manager or Code Enforcement Officer shall issue a short-term rental permit to an applicant if:

- (1) The Borough Manager or Code Enforcement Officer determines that the applicant and the proposed short-term rental unit meet the requirements, conditions, and criteria established by this Part;
- (2) The proposed short-term rental unit has passed inspection or reinspection within a three-year period and the applicant has completed all other measures as required under § 13-1004; and
- (3) No appeal contesting the issuance of a short-term rental permit has been filed with the Aspinwall Borough Council within the applicable deadline.

B. Special conditions. The Borough Manager or Code Enforcement Officer may make the issuance of a short-term rental permit subject to special conditions established to mitigate the impact of the short-term rental on surrounding properties and nearby residents. Such conditions may include, but are not limited to:

- (1) Limitations on the number of vehicles per dwelling unit;
- (2) Designation of dedicated parking locations for guests or the issuance of a limited number of parking permits that must be displayed on guest's vehicles;
- (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 complies with the Aspinwall Borough Council's findings upon completion of any final measures remaining to be completed under § 13-1004.
- C. Special conditions. The Aspinwall Borough Council may:
- (1) Impose special conditions on the issuance of a permit that was previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer under Subsection B of § 13-1006; or
 - (2) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer.

§ 13-1008 **Transfers and assignments.**

A short-term rental permit does not authorize any person, other than the person named on the permit, to operate a short-term rental. A permit holder may not transfer or assign the permit to another person or address. However, a new applicant may apply to assume the operation of a permitted short-term rental and may be granted a temporary permit for the remainder of the original permit period if the applicant meets all eligibility requirements for short-term rental permit holders and any specific requirements for the permit for the property. An application for a temporary permit under this section must include:

- A. The same information as required for new permits under § 13-1003 except that no floor plan, site plan, or photographs are required if no changes have been made or are proposed to the short-term rental unit or the property containing the short-term rental unit;
- B. Payment of an application fee plus an inspection if an inspection is required pursuant to this Part.
- C. Submittal of proof of liability insurance and compliance with all other applicable legal requirements in accordance with § 13-1004.C provided that the applicant may opt to submit such documents after notification that the Borough Manager or Code Enforcement Officer has determined the application to be otherwise complete.

§ 13-1009 **Permit renewal.**

- 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 (30) 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:
- (1) Renewal of the short-term rental permit is contingent upon approval of the revisions by the Borough Manager or Code Enforcement Officer. If the Borough Manager or Code Enforcement Officer denies approval of the revisions, the permit holder may submit a revised renewal application without the revisions.
 - (2) If the Borough Manager or Code Enforcement Officer determines that the revisions warrant notification to nearby property owners and occupants, the Borough Manager or Code Enforcement Officer may require the permit holder

to provide such notification, consistent with the notification requirements applicable to new permit applications under § 13-1004.

- (3) The Borough Manager or Code Enforcement Officer may impose special conditions in conjunction with approval of the revisions, consistent with the Borough Manager or Code Enforcement Officer's authority under § 13-1006.
- (4) Pursuant to the procedures established under § 13-1007, the permit holder or any other party aggrieved by the Borough Manager or Code Enforcement Officer's decision under this section may appeal the decision to the Aspinwall Borough Council. On consideration of the appeal, the Aspinwall Borough Council may:
 - (a) Affirm or reverse the Borough Manager or Code Enforcement Officer's decision to approve or deny approval of the revisions;
 - (b) Impose special conditions on the approval of revisions that were previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer; and
 - (c) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer in conjunction with the Borough Manager or Code Enforcement Officer's approval of the revisions.
- (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 sole 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 sixty (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 Grounds for nonrenewal, suspension, or revocation of license.

A. General. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension, or revocation of the owner's license, for violating any provision of this Part that imposes a duty upon the owner and/or for failing to regulate the breach of duties by occupants as provided for herein.

B. Definitions.

- (1) Owner. Any person operating a short-term rental unit or advertising any property within the Borough of Aspinwall as available for short-term rental use.
- (2) Formal Warning. Formal written notification of at least one violation of this Part. Upon satisfactory compliance with this Part and any conditions imposed by the Code Enforcement Officer or Borough Council, the formal warning shall be removed when the Owner applies for license renewal at a time set by the Code Enforcement Officer or Borough Council.
- (3) Nonrenewal. The denial of the privilege to apply for license renewal after the expiration of the license term. The Borough will permit the Owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or Borough Council.
- (4) Suspension. The immediate loss of the privilege to rent a Short-Term Rental Unit for a period of time set by the Code Enforcement Officer or Borough Council. The Owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the Owner's privilege to apply for a license should be reinstated. Upon suspension, the Owner shall take immediate steps to evict the occupants.
- (5) Revocation. The immediate loss of the privilege to rent Short Term Rental Units for a period of time set by the Code Enforcement Officer or Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the Owner shall take immediate steps to evict the occupants.

C. Criteria for Applying Discipline. The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:

- (1) The effect of the violation on the health, safety, and welfare of the occupants of the Short-Term Rental Unit and other residents of the subject property.
- (2) The effect of the violation on the neighborhood.
- (3) Whether the Owner has prior violations of this Part and other ordinances of the Borough or has received notices of violations as provided for in this Part.
- (4) Whether the Owner has been subject to disciplinary proceedings under this Part.
- (5) The effect of disciplinary action on the occupants.
- (6) The action taken by the Owner to remedy the violation and to prevent future violations, including any written plan submitted by the Owner.
- (7) The policies and lease language employed by the Owner to manage the Short-Term Rental Unit which enables the Owner to comply with the provisions of this Part.
- (8) In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend, and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Part.

D. Grounds for Imposing Discipline. Any of the following may subject an Owner to discipline as provided for in this Part:

- (1) Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
- (2) Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by § 13-1004.
- (3) Failure to take steps to remedy and prevent violations of this Part by occupants of the Short-Term Rental Unit as required by § 13-1010 of this Part.
- (4) Failure to file and implement an approved plan to remedy and prevent violations of this Part by occupants of a Short-Term Rental Unit as required by § 13-1010 of this Part.

- (5) Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in § 13-1010 of this Part.
- (6) Three violations of this Part or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Part, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the owner must have received notice in writing of this violation within thirty (30) days after the Code Enforcement Officer received notice of the violation.

E. Procedure for Nonrenewal, Suspension, or Revocation of License.

- (1) Notification. Following a determination that grounds for nonrenewal, suspension, or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:
 - (a) The address of the premises in question and identification of the particular Short Term Rental Unit(s) affected.
 - (b) A description of the violation which has been found to exist.
 - (c) A statement that the license for said Short Term Rental Unit shall be either suspended, revoked, or will not be renewed for the next license year or that the Owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of said suspension.
 - (d) A statement that, due to the nonrenewal, suspension, or revocation (as the case may be), the Owner or any person acting on his, her, or its behalf is prohibited from renting, leasing, or permitting the occupancy of the dwelling unit(s) by more than three unrelated individuals subject to said enforcement action, from and during the period said action is in effect.
 - (e) A statement informing the Owner that they have a right to appeal the decision suspending, revoking, or declining to renew the license to Borough Council, by submitting in writing to the Borough Manager, within thirty (30) days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) why the determination of the Code Enforcement Officer is incorrect or should be overturned, as well

as a statement of relief requested. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing such appeals, the amount of which shall be determined and established, from time to time, by resolution of Borough Council.

- (f) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Manager shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than fifteen (15) days from the date on which the appeal is filed.
- (g) The appellant, the Code Enforcement Officer, and the owners of properties within a radius of 100 feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
- (h) Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 551-555. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within thirty (30) days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision. If Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (30) days from the initial hearing, which time and date shall be openly announced at the initial hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

(2) Delivery of Decision and Notice.

- (a) All notices shall be provided to the Owner by posting the subject property and sending notice to the address stated on the most current license application for the Owner.
- (b) If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth (5th) day

following its deposit in the U.S. mail, and all time periods set forth under this Section shall be calculated from the fifth (5th) day.

§ 13-1011 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 thirty (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.
- B. Permits may be revoked at the discretion of the Borough Manager or Code Enforcement Officer upon conviction of any persons for three or more property maintenance violations in any eighteen-month period, for any single violation or combination of violations that reasonably constitute a nuisance, for failure to adhere to the terms of the short-term rental permit, for violation of the terms of this Part, or for any other reasonably justifiable cause as determined by the Borough Manager or Code Enforcement Officer to be in the best interest of the health, safety, and welfare of the community. Revocations of permits shall be appealable pursuant to the procedures set forth in § 13-1007 in the same manner as provided for the appeal of the denial of permits.
- C. In addition to any other remedy available under law, the Borough may enforce this Part or other Borough ordinance by any appropriate action in equity or at law to prevent, restrain, correct, enjoin, or abate violations of this Part or other Borough ordinance.

SECTION 2. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 3. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

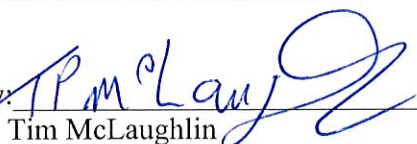
SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this 13th day of December, 2023, by the Council of Aspinwall Borough in lawful session duly assembled.

ATTEST:

BOROUGH OF ASPINWALL

By: 
Melissa Lang O'Malley
Borough Manager/Secretary
(SEAL)

By: 
Tim McLaughlin
President, Borough Council

EXAMINED and APPROVED this 13th day of December, 2023.





Joseph Noro
Mayor

