

HATBORO BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1051

AN ORDINANCE OF THE BOROUGH OF HATBORO, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, ZONING, AND CHAPTER 11, HOUSING, OF THE HATBORO CODE OF ORDINANCES TO AMEND RENTAL HOUSING REGISTRATION, INSPECTION, AND PARKING REQUIREMENTS, TO INCLUDE SHORT-TERM RENTAL PROPERTIES, REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 27 of the Code of Ordinances, Borough of Hatboro, Montgomery County, Pennsylvania regulates Zoning in the Borough; and

WHEREAS, Chapter 11 of the Code of Ordinances, Borough of Hatboro, Montgomery County, Pennsylvania regulates Housing in the Borough; and

WHEREAS, there has been an increase in the number of homeowners leasing their homes, or rooms in their homes, on a short-term basis throughout the Commonwealth; and

WHEREAS, Borough Council desires to amend the Housing and Zoning ordinances to create regulations for short-term property rental in the Borough; and

WHEREAS, properties used as short-term rental units are currently not subject to the same inspection requirements as hotels and apartments; and

WHEREAS, if left unregulated, potential safety hazards could be created due to number of renters utilizing the properties; and

WHEREAS, the amendment to will further protect the public health, safety and welfare of the residents, property owners, business owners and visitors to the Borough.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Council of Hatboro Borough, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows: **I.**

Chapter 11, entitled "Housing", Part 2, entitled "RENTAL HOUSING REGISTRATION AND INSPECTION", Section 11-203, entitled "Definitions and Interpretation" of the Code of Ordinances of Hatboro Borough is hereby amended to add the following definitions between "Rooming Unit" and "Structure:"

Short-term rental: A rental dwelling unit owned or managed by a person, firm or corporation which is rented for a period of less than 30 consecutive days. Rooming units and rooming houses are included in this definition when rented for a period of less than 30 consecutive days.

- II.** Chapter 11, entitled “Housing”, Part 2, entitled “RENTAL HOUSING REGISTRATION AND INSPECTION”, Section 11-206, entitled “Exception to Inspection Requirements” subsection 1.a.i. of the Code of Ordinances of Hatboro Borough is hereby deleted entirely and replaced as follows:

All public areas, mechanical rooms, laundry rooms, and other spaces designated and used for the operation and maintenance of the facility will be inspected yearly as a common area inspection.

- III.** Chapter 27, entitled “Zoning”, Part 4, entitled “GENERAL REGULATIONS” of the Code of Ordinances of Hatboro Borough is hereby amended to add a new section 27428, entitled “Short-Term Rentals” as follows:

§ 27-428. Short-Term Rentals

Short-term rentals are rental dwelling unit owned or managed by a person, firm or corporation which is rented for a period of less than 30 consecutive days. The standards below are intended to ensure that short-term rentals will not be a detriment to the character and livability of the surrounding neighborhood.

When dwelling unit use is permitted in the R1 Residential, R2 Residential, R3, R4 Residential, RC-1, and RC-2 Zoning Districts, short-term rental of the dwelling unit for residential purposes shall also be permitted as an accessory use, provided that the short-term rental use of the dwelling unit shall not exceed, in total, a maximum of 120 days in a calendar year. Short-term rental in that exceeds 120 days shall be considered a hotel/motel/inn use, which is limited to the Highway Business Zoning District.

1. Short-term rentals are prohibited in the O Office, LI Limited Industrial, HI Heavy Industrial, or HI-MU Heavy Industrial-Mixed Use Districts.
2. Short-term rental use of a dwelling unit shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, other provisions of the Zoning Ordinance which would be applicable to the use of the property as a dwelling unit when not subject to short-term rental.
3. The commencement of short-term rental activity of a dwelling unit shall be considered a change in use of the property and shall not occur without the property owner first applying for, and receiving, a special exception from the Zoning Hearing Board.
4. Overnight occupancy of a short-term rental shall be limited to no more than 2 persons per bedroom. The Zoning Hearing Board is permitted to approve occupancy above this number if the parking requirements are met.

5. The number of bedrooms permitted for a short-term rental shall be limited to three bedrooms, unless applicant demonstrates to the Zoning Hearing Board that their property had adequate parking and trash facilities for additional bedrooms.
6. A local contact person shall be designated who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Borough or within 10 miles of the short-term rental unit may designate himself/herself as the local contact person. If not the owner of the property, the local contact person must reside within 10 miles of the property. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Borough, and any new local contact person shall meet all requirements of this subsection.
7. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Borough Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.
8. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Borough Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
9. If the owner of a short-term rental unit is cited for a violation of a Borough ordinance for three times within 12 months, the owner's zoning use permit may be revoked.
10. Short-term rental property owners are required to maintain accurate rental records listing, at a minimum, the number of days their property was rented and how many guests stayed on each night. A copy of the record will be filed annually with the Borough and is due on January 1st of each year. Non-compliance with this provision is subject to the penalty provisions of Section 11-210 and also may result in the zoning use permit being revoked.
11. A short-term rental unit may be rented only to a person 21-years of age or older.
12. Accessory signs are prohibited in the R1, R2, R3, and R4 zoning districts.
13. The application for a Special Exception shall contain the following information:

- i. The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
- ii. A copy of the description of the property used in the short-term rental advertisement.
- iii. The 911 address of the property.
- iv. The maximum number of occupants permitted to stay in the short-term rental unit.
- v. The maximum number of all vehicles allowed to be parked on the property and an acknowledgement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted. The applicant will also submit a plan demonstrating compliance with the off-street parking requirement.
- vi. A statement acknowledging that trash and refuse shall not be left or stored on the exterior of the property except in secure, watertight metal or plastic cans or similar containers designed for such storage with a limit of secured containers.
- vii. A statement acknowledging that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Borough Ordinances.
- viii. A statement acknowledging that the local contact person shall respond to the Borough or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation.
- ix. The applicant shall provide confirmation that the applicant has taken all action required to enable the applicant to pay the hotel and/or room taxes imposed by Hatboro, Montgomery County, or the Commonwealth of Pennsylvania. The required certificate of occupancy for the short-term rental unit will not be issued until the applicant presents such confirmation of meeting Borough, County and Commonwealth requirements for rental properties.

IV. Chapter 27, entitled "Zoning", Part 4, entitled "GENERAL REGULATIONS", Section 27-408, entitled "Accessory Uses", subsection 1.C.(3) of the Code of Ordinances of Hatboro Borough is hereby deleted entirely and replaced as follows:

Use of property as a short-term rental as defined by Section 11-203.

- V. Chapter 27, entitled "Zoning", Part 20, entitled "OFF-STREET PARKING AND LOADING AND OUTDOOR STORAGE AREAS", Section 27-2002, entitled "Residential Uses", subsection 4 of the Code of Ordinances of Hatboro Borough is hereby deleted entirely and replaced as follows:


For a short-term rental, two all-weather parking spaces (including garage space or spaces as part of the required number of spaces) plus one additional parking space for each bedroom for rent.

- VI. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the Code of Ordinances of Hatboro Borough.

- VII. This ordinance shall be effective immediately upon its legal enactment by the Borough Council of the Borough of Hatboro.


Ordained and enacted, by the Council Members of Hatboro Borough, Montgomery County, Pennsylvania, this 23 day of September 2019.

Attest:



Diane Hegele, Borough Manager

HATBORO BOROUGH COUNCIL

By: 

George Bollendorf, Borough President