

**TOWNSHIP OF HARRISON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020

AN ORDINANCE AMENDING THE HARRISON TOWNSHIP CODE OF ORDINANCES, CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, BY ADDING A NEW PART, PART 11, SHORT-TERM RENTAL PROPERTIES, REQUIRING A PERMIT, ESTABLISHING PERMIT APPLICATION REQUIREMENTS, ESTABLISHING PROCEDURES FOR DENIAL AND ISSUANCE OF PERMITS, PROVIDING FOR TRANSFERS, ASSIGNMENTS AND RENEWALS OF PERMITS, ESTABLISHING GROUNDS FOR NONRENEWAL, SUSPENSION AND REVOCATION, AND ESTABLISHING VIOLATIONS AND PENALTIES

WHEREAS, the Board of Commissioners (“the Board”) of the Township of Harrison, Allegheny County, Pennsylvania (the “Township”) acknowledges that residential properties have the ability to be used as a short-term rental unit; and

WHEREAS, the Board further acknowledges that the presence of short-term rental units in primarily residential areas is reasonably likely to interfere with the quiet enjoyment of surrounding properties, 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 Board desires to permit short-term rental units with the Township in such a manner as to provide the benefits of such rental units while protecting the character and residential qualities of the surrounding neighborhood; and

WHEREAS, the Board 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, the Board hereby ordains that Chapter 13, Licenses, Permits and General Business Regulations, of the Harrison Township Code of Ordinances be amended as follows:

SECTION 1. Chapter 13, Licenses, Permits and General Business Regulations, is amended to add a new Part 11, Short-Term Rental Properties, as follows:

Part 11. Short-Term Rental Properties.

§ 1101. Definitions.

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

SHORT-TERM RENTAL – The act of offering temporary living quarters within a dwelling unit by the owner or lessee for a set or negotiated price to a houseguest with or without the mediating use of a rental housing exchange agency.

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 temporary living quarters. The term does not include a bed-and-breakfast, boardinghouse, hotel or motel.

HOUSEGUEST – A temporary occupant of a short-term rental unit.

DWELLING UNIT – One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one family.

§ 1102. Permit Required.

- A. Any person operating a short-term rental unit or advertising any property within the Township as available for short-term rental use must hold a valid short-term rental permit issued by the Township Code Enforcement Officer. When an applicant desires to operate more than one short-term rental unit within a single dwelling unit, the applicant must obtain a separate short-term rental 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. An applicant for a short-term rental permit:
 - (1) Must be a natural person who is at least 21 years old and be either the owner or lessee of the dwelling unit. If the applicant is a lessee of the dwelling unit, the applicant must have the permission of the property owner to operate a short term rental at the property;
 - (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 24 months, either within the Township or at any other location, or has had any houseguest convicted of any disturbance of the peace; and
 - (3) May not be a cohabitant with a person who lives at the same dwelling unit where the short-term rental unit will be located, where

the cohabitant has had a permit or license for operation of a short-term rental or other guest accommodation revoked within the previous 24 months, either with the Township or at any other location or has had a houseguest convicted of any disturbance of the peace.

- C. A short-term rental permit is valid only for the short-term rental unit identified in the permit application and on the permit. A short-term rental unit may not be enlarged or expanded to include other rooms unless a new permit is obtained.
- D. A short-term rental permit shall expire three years after the date of issuance, unless renewed prior to expiration.

§ 1103. Application Requirements.

To obtain a short-term rental permit, an applicant must first complete an application on a form prescribed by the Township. The application must include:

- A. The address of the proposed short-term rental unit.
- B. The name, mailing address, telephone number, and email address of each of the following:
 - (1) The applicant;
 - (2) The record owner of the property, if other than the applicant;
 - (3) A local responsible party, if other than the applicant, who resides or is located within five miles of the short-term rental unit and will be responsible for addressing operational and safety concerns and responding to nuisance complaints; and
 - (4) An alternate contact person who resides or is located within ten miles of the short-term rental unit and will be responsible for addressing operational and safety concerns and responding to nuisance complaints in the event that the operator of the short-term rental or local responsible party is unavailable or does not respond.
- C. If the applicant is not the record owner of the proposed short-term rental unit, a statement signed by the record owner authorizing the applicant to submit the application;
- D. The name and contact information for any host platform that 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 Township or at any other location, has been revoked in the 24-month period preceding the date of the application from either the applicant or a person who is cohabitant 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 houseguests for sleeping;
- (3) All other rooms and indoor areas to be used by houseguests;
- (4) The location of all windows, doors, smoke alarms 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 off-street parking spaces for houseguests; and
- (3) Any outdoor areas that will be available to houseguests, 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 correct; and
 - (2) The applicant has reviewed, understands and agrees to comply with the requirements of this Part.
- K. Any additional information determined by the Township Code Enforcement Officer to be necessary for processing the application and verifying the eligibility of the applicant and the proposed short-term rental unit; and
- L. Payment of a nonrefundable application fee of [Insert] and a nonrefundable inspection fee of [Insert], which may be modified by resolution of the Harrison Township Board of Commissioners from time to time.

§ 1104. Inspection; Proof of Insurance.

- A. Within 30 days of receipt of a completed short-term rental permit application, the Code Enforcement Officer shall provide written notice to the applicant to:
- (1) Contact the Township Code Enforcement Officer, in order to schedule an inspection of the property to verify that:
 - a. The property complies with all property maintenance regulations of Chapter 10, Part 3 of the Township Code of Ordinances;
 - b. The property has functioning smoke detection devices;
 - c. There are no unsafe conditions which violate the dangerous building provisions of Chapter 4 of the Township Code of Ordinances; and
 - d. The floor plan and site plan provided with the application accurately reflect the property.
 - (2) Provide proof of liability insurance with a company authorized to do business within the Commonwealth 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 for the entire time a short-term rental unit is available for rent.
- B. 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. Notwithstanding, if a proposed short-term rental unit fails to pass inspection, as required by this Section, the applicant may request a second inspection, provided that the second inspection request is submitted within 60 days of the first inspection and the applicant again pays the inspection fee. The application will be voided and no permit will be issued if the proposed short-term rental unit fails to pass the second inspection.

§ 1105. Issuance of Permit.

- A. The Township Code Enforcement Officer shall issue a short-term rental permit to the applicant if:
 - (1) 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 the inspection required under § 13-1104; and
 - (3) Conditional use approval for a short term rental use at the property, as required under § 408.55 of the Township Zoning Ordinance, has been granted and no enforcement notice or action is pending for any violation of said Section or other condition of approval.

§ 1106. Denial of Permit.

If the Township Code Enforcement Officer determines that a proposed short-term rental unit or the applicant 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.

§ 1107. Appeals from the Denial of Permit.

- A. Pursuant to the procedures established under this Part and Local Agency Law, an applicant whose application for a short-term rental permit has been denied may file an appeal of the denial to the Harrison Township Board of Commissioners or its designee.
- B. The Harrison Township Board of Commissioners or its designee may reverse the denial of a short-term rental permit and direct the Township Manager Code Enforcement Officer to issue a permit if the Board or its designee determines that the applicant and the proposed short-term rental unit meet the requirements, conditions and criteria established by this Part, that the proposed short-term rental unit has passed the inspection required under § 13-1104, and that conditional use approval for a short term rental use at the property, as required under § 408.55 of the Township Zoning Ordinance, has been granted and no

enforcement notice or action is pending for any violation of said Section or other condition of approval.

§ 1108. Transfers and Assignments; Temporary Permits.

A short-term rental permit does not authorize any person, other than the person named on the permit, to operate a short-term rental unit. A short-term rental permit holder may not transfer or assign the permit to another person or address. Notwithstanding, a new applicant may apply for a temporary permit to assume the operation of an existing short-term rental unit for the remainder of the original permit period. The temporary permit applicant must meet all of the eligibility requirements for short-term rental permit holders under § 13-1102 and follow the procedure set forth under § 13-1103. An application for a temporary permit under this Section must include:

- A. The same information required for new permits under § 13-1103, 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 the application fee and inspection fee (if an inspection is required due to changes or proposed changes to the short-term rental unit or the property containing the short-term rental unit); and
- C. Submittal of proof of liability insurance and compliance with all other applicable legal requirements in accordance with §13-1104, provided that the applicant may opt to submit such documents until after written notification from the Township Code Enforcement Officer that the application is otherwise complete.

§ 1109. Permit Renewal.

- A. A short-term rental permit must be renewed upon its expiration if the operator plans to continue operating 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. An application for renewal of a short-term rental permit must include:
 - (1) All of the information required under § 13-1103; provided, however, 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 § 13-1104(A)(2);

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

(4) Payment of a renewal application fee and an inspection.

B. In addition to completing an application for renewal, an applicant must schedule an inspection with the Township Code Enforcement Officer to verify that the property still complies with all applicable building and fire codes, and that the most recently submitted floor plan, site plan and photographs still accurately depict the property. If the short-term rental unit fails to pass inspection, the applicant may request a second inspection, provided that the request is submitted within 60 days of the first inspection and an additional inspection fee is submitted to the Township. The Township 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 until the unit passes the second inspection. The application will be voided and the permit will not be renewed if the proposed short-term rental unit fails to pass the second inspection.

§ 1110. Grounds for Nonrenewal, Suspension, or Revocation of Permit.

A. The Township Code Enforcement Officer may suspend, revoke and/or not renew an operator's short-term rental permit for violating any provision of this Part.

B. Definitions of Enforcement Options.

(1) Nonrenewal: the denial of the privilege to apply for permit renewal after expiration of the permit term. The Township will permit the operator to maintain houseguests in the premises until the end of the permit term, but will not accept an application for renewal of the permit until it is determined by the Township Code Enforcement Officer that the operator has come into compliance.

(2) Suspension: the immediate loss of the privilege to operate a short-term rental unit for a period of time set by the Township Code Enforcement Officer not to exceed 90 days. The operator, after the expiration of the suspension, may apply for a permit renewal without the need to show cause why the operator's privilege to apply for a permit should be reinstated. Upon the loss of the privilege to operate a short-term rental unit, the operator shall take immediate steps to evict the houseguests.

(3) Revocation: the immediate loss of the privilege to operate a short-term rental unit and the loss of the privilege to apply for a renewal

of the permit at the expiration of the permit term. Upon the loss of the privilege to operate a short-term rental unit, the operator shall take immediate steps to evict the houseguests.

C. Grounds for Suspension, Revocation and/or Non-Renewal of Permit.

Any of the following may subject a short-term rental operator to the suspension, revocation and/or non-renewal of a short-term rental permit, as provided for in this Part:

- (1) Failure to abate a violation of Township codes and ordinances that apply to the property, within the time directed by the Township Code Enforcement Officer.
- (2) Refusal to permit the inspection of the premises by the Township Code Enforcement Officer as required by § 13-1104.
- (3) Three violations of this Part or other ordinances of the Township that apply to the property within the short-term rental permit 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 written notice of the violation within 30 days after the Township Code Enforcement Officer received notice of the violation.

D. Procedure for Nonrenewal, Suspension, or Revocation of Permit.

- (1) Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a permit exist, the Township Code Enforcement Office shall notify the property owner and short-term rental operator of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the property owner and operator, and shall contain the following information:
 - a. The address of the property 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 notice that the short-term rental unit is in violation of this Part, with a specification of the grounds of the violation, including a specification of any nonrenewal, suspension or revocation of a permit. The notice shall also state that during such suspension or revocation, no person may rent the short-term rental unit in question. Such violations must be cured within 30 days from the date of the notice, unless

exigent circumstances involving an immediate threat to the public health, welfare or safety dictate more immediate remediation. In the case of permit suspension or revocation, the notice will state the specific timing of such suspension or revocation, including the date upon which the suspension or revocation will commence, the duration of any suspension, and the deadline for commencing eviction of houseguests.

- d. A notice that each day the violation remains shall be a separate violation and punishable under § 13-1111. The Township shall further have the right to enjoin the obligations and duties created under this Part.
- e. A notice that any person aggrieved by the Township Code Enforcement Officer's nonrenewal, suspension or revocation of a short-term rental permit may appeal such decision by submitting a written request for a Local Agency Law hearing to the office of the Township Secretary within 20 days from the date of mailing of the decision letter and accompanied by a nonrefundable fee of \$50, the amount of such fee to be subject to adjustment by resolution of the Township Board of Commissioners. Such written request for a Local Agency Law hearing shall state the grounds upon which the request is made. The appellant shall be responsible for the cost of the stenographer's appearance fee and the cost of any advertising of such hearing. The Township Board of Commissioners may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and make a recommended ruling to the Board of Commissioners.

(2) Delivery of Notification.

- a. All notices shall be sent to the property owner and operator of the short-term rental unit by certified mail and regular mail. In the event that the notice sent by certified mail is returned by the postal authorities as "unclaimed" or "refused", but the notice sent by regular mail is not returned, the notice shall be deemed to have been delivered on the second day following its deposit in the mail. The Township Code Enforcement Officer shall also post the notice in a conspicuous place on the property.

§ 1111. Violations and Penalties.

- A. Any person violating any of the provisions of this Part shall be subject to a fine not to exceed \$1,000 plus costs of prosecution, or in default of payment of such fines and costs, by a term of imprisonment not to exceed 30 days. Each day of violation shall constitute a separate and distinct offense.

- B. The penalty provisions of this Part and the permit nonrenewal, suspension and revocation provisions provided herein shall be independent, non-mutually-exclusive, separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Township in the case of a violation of any other code or ordinance of the Township, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

ORDAINED and ENACTED this 22nd day of July, 2024 by the Board of Commissioners of the Township of Harrison in lawful session duly assembled.

ATTEST:




Amy Rockwell
Township Manager

TOWNSHIP OF HARRISON


Gary Meanor
Chairman, Board of Commissioners



Certification of Recording: This Ordinance recorded in the Township Ordinance book on July 23, 2024 by the undersigned.



Township Manager/Secretary