

**TOWNSHIP OF ROBINSON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 30F 2022

AN ORDINANCE OF THE TOWNSHIP OF ROBINSON AMENDING THE TOWNSHIP OF ROBINSON MUNICIPAL CODE, CHAPTER __, ESTABLISHING PART __ SHORT TERM RENTALS, PROVIDING FOR AND REGULATING THE USE OF SHORT-TERM RENTALS, ESTABLISHING THE RULES AND STANDARDS PERTAINING TO SUCH USES, PROVIDING DEFINED TERMS IN CONNECTION THEREWITH AND PROVIDING PENALTIES FOR ANY VIOLATIONS.

WHEREAS, the Township of Robinson ("Township") desires to permit short-term rental uses within specific zoning districts within the Township in such a manner as to provide the benefits of such rentals while protecting the character and residential qualities of the neighborhoods in which the short-term rentals may be conducted; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners for the Township of Robinson, Allegheny County, Pennsylvania, as follows:

The following shall be added to the Township of Robinson Municipal Code, Chapter ____.

Part 5 – Short-Term Rentals

Title.

This Ordinance shall be known and may be cited as the "Short-Term Rental Ordinance."

Statement of Purpose.

The Township desires to permit short-term rental uses within specific zoning districts with the Township in such a manner as to provide the benefits of such rentals while protecting the character and residential qualities of the neighborhoods in which the short-term rentals may be conducted. The Board of Commissioners of the Township specifically finds and declares as follows:

- A. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades, and deferred costs.

- B. While most short-term rentals operate without issue, there have been numerous issues throughout the country, the Commonwealth of Pennsylvania, and specifically the Township with short-term rentals including excessive noise, parking, litter and concerns regarding security, public safety and trespass.
- C. The transitory nature of occupants of short-term rentals makes enforcement against the occupants difficult and to prevent the potential negative impacts on residential neighborhoods posed by short-term rentals.
- D. The provisions of this Ordinance are necessary to prevent the continued burden on the Township and community services and to prevent the potential negative impacts on residential neighborhoods posed by short-term rentals/
- E. Compliance with the terms and provisions of this Ordinance shall have the meanings provided for in the Township of Robinson to maintain the character and nature of residential zoning districts within the Township.

Definitions.

The words and/or phrases used in this Ordinance shall have the meanings provided for in Township of Robinson Municipal Code, Chapter __, Article __, Section ____, unless otherwise defined herein.

Permit Required.

No owner of a short-term rental shall rent, offer to rent, or advertise for rent the short-term rental to another person without a valid short-term rental permit approved and issued in the manner provided for by this Ordinance. Permits are nontransferable.

Permit Application.

An Application for a short-term rental permit shall be filled out and turned into the Township Code Official/Zoning officer. The application shall contain the following information:

- A. The name, address, phone number and email address of the short-term rental owner. If the owner is the designated contact person, the owner shall provide a 24-hour phone number.
- B. The name, address, phone number, email address and 24-hour phone number of the contact person, if the owner is not the designated contact person, the owner shall provide a 24-hour phone number.

- C. A photograph of the short-term rental taken from the front of the short-term rental.
- D. A floor plan of the short-term rental indicating the number of bedrooms and/or dwelling units offered for rent and the maximum number of overnight guests permitted.
- E. A diagram or photo of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- F. A diagram or photo of the premises showing and indicating the number and location of off-site parking spaces, if any, for use by an overnight occupant of short-term rental.
- G. A copy of the owner's registration with the Allegheny County Treasurer's Officer Special Tax Division.
- H. An acknowledgment that the owner, agent and/or contact person have read all regulations pertaining to the operation of the short-term rental.
- I. An acknowledgement that the owner, agent, and/or contact person must post and maintain the short-term rental with the notice required in _____.
- J. Municipal Lien Letters and Tax Certifications evidencing no outstanding municipal liens, taxes and/or utilities due and owing against the property and/or any property owned by the owner within the Township.
- K. Valid Occupancy Permit from the Township of Robinson.

Permit Renewal.

A short-term rental permit shall be valid for the year for which it was issued. The owner shall renew a short-term rental permit by re-applying every year on or before December 1st. If the information contained in the initial Application for a short-term rental permit is unchanged, the owner may submit to the Township a letter indicating as such and the initial Application may be used for purposes of renewing the short-term rental permit. The owner shall remit to the Township a Renewal Fee in amount set forth in _____ (B). If the owner fails to submit a renewal application and required fee by December 1st, the owner shall be assessed the following late fees:

After December 1st - 25% of Renewal Fee

After December 31st - 50% of the Renewal Fee

After January 15th of subsequent year - 100% of the Renewal Fee

If owner fails to submit a renewal application and required fee by January 31st of the subsequent year, the permit shall expire, become null and void, and the owner must submit an application for a new short-term rental permit.

Permit / Application Fee.

- A. Permit/Application Fee – an application for a short-term rental permit shall be accompanied by an initial fee in the amount established by Resolution of Council.

- B. Renewal Fee – an application for renewal of a short-term rental permit shall be accompanied by a fee in an amount established by Resolution of Council.

- C. Nonrefundable – Permit/Application and Renewal Fees are nonrefundable and may not be prorated.

Permit Denial.

No permit application, or renewal application, shall be denied if it is in compliance with the provisions of this Ordinance and accompanied by the required fee. If a short-term rental permit is denied, the Code Official/Zoning Officer shall send the owner written notice of the denial along with the specified reasons for the denial. The owner has the right to appeal the denial of a permit under _____ below.

Permit Revocation.

Any short-term rental permit may be subsequently revoked by the Code Official/Zoning Officer when the Code Official/Zoning Officer finds that the information contained in the application is false, or a violation of this Ordinance has occurred on three (3) or more occasions in a rolling 12-month period. A permit may only be revoked after written notice to the owner describing the violation or the condition by citing to the applicable sections of this Ordinance and notifying the owner of their right to appeal under _____ below.

Inspection; Fee.

- A. Prior to the issuance of a Permit under this Ordinance or renewal of Permit under _____ above, the owner of a short-term rental must permit the Code Official/Zoning Officer appointed by the Township to inspect the short-term rental unit to ensure that the short-term rental unit is in compliance with the most recently adopted International Property Maintenance Code and other applicable codes as deemed by the Code Official/Zoning Officer adopted by the Township and then in effect.
- B. An inspection fee established by Resolution of the Board of Commissioners shall be charged for any inspection necessary and in accordance with the Ordinance.

Short-Term Rental Standards.

All short-term permits issued pursuant to this Ordinance are subject to the following standards.

- A. Owner shall limit overnight occupancy of the short-term rental to two (2) occupants per bedroom, but in any case, no more than eight (8) overnight occupants per short-term rental. Children twelve (12) or under do not count towards the limit of overnight occupants.
- B. The maximum number of day guests allowed at one time, in addition to the overnight occupants, shall be seventy-five percent (75%) of the maximum overnight occupancy of the short-term rental (i.e., if the maximum number of overnight occupancy is 6, the maximum amount of days guest permitted to be at the short-term rental would be 4, for a total of 10 people).
- C. Short term rentals may only be available to rent for a minimum of 2 consecutive days and a maximum of up to 7 consecutive days.
- D. The owner shall limit the number of all vehicles of overnight occupants to the number designated in the short-term rental application, with the number of all vehicles not to exceed the number of designated on-site parking spaces.
 - (1) The number and location of all parking for overnight occupants shall be designated on the permit and shall be located on the owner's property and not in any private community or public right of way.
 - i. If no on-site parking is available, occupants or guests are permitted to use any lawful on-street parking.

- (2) All parking spaces shall be improved to a mud free condition with paving, stone or similar material approved by the Township.
- E. The owner shall use best effort to ensure the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violates provisions of this Ordinance or other ordinances of the Township. The owner shall notify occupants and guests of rules/laws regarding short-term rentals and respond when notified those occupants and/or guests are violating such rules/laws. It us not intended for the owners or contact person to act as an enforcement officer or place him or herself in harm's way.
- (1) The owner or contact person shall, upon notification that the occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Ordinance or other Township ordinances or state laws pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guest and/or future occupants or guests.
- F. Occupancy of recreational vehicles, camper trailers, tents and other similar items shall not be allowed.
- G. The use of any open fires, fire pits, charcoal burning grills, or other devises shall be the responsibility of the owner or contact person and shall comply with all Township, County and State Laws. All open fires shall be extinguished by midnight.
- H. All short-term rentals shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable code.
- I. Marketing Standards. All short-term rentals shall comply with the following Marketing Standards.
- (1) Advertising or marketing the occupancy of a short-term rental for a number of occupants which exceeds the occupancy requirements permitted by this ordinance.
- (2) Advertising or marketing the occupancy of a short-term rental prior to obtaining a short-term rental permit.

- (3) Advertising or marketing the occupancy of a short-term rental without providing parking information.
 - (4) Short-term rental must be listed and/or advertised through a third-party entity (i.e., Airbnb, VRBO, etc., but not Facebook Marketplace, Craigslist, etc.).
- J. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
- (1) The name of the contact person and a telephone number at which that party may be reached on a 24-hour basis
 - (2) The 911 address of the property
 - (3) The maximum number of occupants permitted to stay in the short-term rental dwelling unit and maximum number of day guest permitted at one time.
 - (4) The maximum number of vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community, or public right of way.
 - (5) Notice that trash and refuse shall not be left or stored on the exterior of the short-term rental; and directions for the proper disposal of trash and refuse.
 - (6) Notice that the occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance.
- K. Each of these standards is a condition of any permit issued pursuant to this Ordinance, and failure to comply may result in revocation of this Ordinance.

Enforcement & Actions upon Complaints.

- A. Upon learning of a violation of this Ordinance upon the premises of a short-term rental, the Code Official/Zoning Officer may file a civil enforcement action with the Magisterial District Judge and/or issue a Notice of Violation pursuant to _____ to the violator, and if the violator is an occupant, to the owner.

B. Complaints concerning conduct by occupants and/or guests of short-term rentals received by the Township and/or Code Official/Zoning Officer shall be promptly investigated by the Code Official/Zoning Officer.

(1) If the complaint can be substantiated, the Code Official/Zoning Officer may issue a Notice of Violation.

C. Complaints concerning conduct by occupants and/or guests of short-term rentals received by the Robinson Township Police Department shall be handled according to the policies and procedures of the Robinson Township Police Department in conjunction with all applicable Local, State and Federal Laws.

(1) If the complaint can be substantiated, the responding officer shall perform all duties required of him or her in enforcing the law, including issuing any citations or making arrests for any such unlawful conduct.

(2) If the complaint is substantiated, regardless of any action taken by a responding officer, the responding officer shall forward the report to the Code Official/Zoning Officer the substantiated complaint. If the complaint can be substantiated, the Code Official/Zoning Officer may issue a Notice of Violation. A citation or other applicable charges filed against an owner, occupant or guest by the responding officer, shall not prohibit enforcement of this Ordinance.

Notice of Violation.

A. Contents of Notice. The Notice of Violation shall contain at least the following information.

(1) The name of the property owner and/or person the Code Official/Zoning Officer is intending to take action against.

(2) The address of the property involved.

(3) A citation to the specific section of this Ordinance and a description of the conditions that constitute the violation.

(4) What actions are required to abate and/or otherwise correct the violation and the time period within which the condition must be abated. In certain cases, immediate

correction may be required, or the offense is not of an ongoing nature (i.e., substantiated noise complaint).

(5) The potential penalties if not abated.

B. The Notice may be served upon the owner and/or contact person by Regular U.S. Mail, personal service, and/or posting of the property.

Appeals.

A. Filing an Appeal. Appeals from an action under this Ordinance to deny any application for, or to renew, a short-term rental permit, or revocation of such a short term rental permit, shall be filed with the Township Manager within 30 days of the date of the denial or application or revocation of permit.

(1) Appeals shall be in writing and signed by the appellant on form prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by Resolution of Council, which may include notice and advertising cost, necessary administrative overhead in relation to the hearing.

(2) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, the relevant sections of this Ordinance, and the relief sought.

B. Hearing. Board of Commissioners shall conduct hearings and make decisions pursuant to the Act of December 2, 1968, known as the "Local Agency Law," and in accordance with the following provisions:

(1) Written notice shall be given to the appellant and any person who has made a timely request for the same. Written notice shall be given not less than seven (7) days prior to the hearing.

(2) The hearing shall be held within 60 days from the date the appeal is filed, unless the appellant agrees in writing to extend said time.

(3) The hearing shall be conducted by the Board of Commissioners. The decision or, where no decision is called for, the findings shall be rendered by the Board within 45 days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time and shall be communicated to the appellant and any other parties whose appearances have been entered and requested copies.

- (4) The President of the Board, or his/her designee, shall have the power to administer oaths and issue subpoenas to compel the attendance of witness and the production of documents and papers, including witnesses and documents requested by parties.
 - (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witness on all relevant issues.
 - (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - (7) The Board shall not be required to, but may, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
- C. Stay. Appeals concerning revocation of a permit or denial of renewal application shall act as a stay of enforcement until the matter is heard and decided by the Board.

Violations, Penalties and Cost.

- A. Failure to comply with any provisions of this Ordinance and/or failure to comply with an order to abate and/or correct a violation of this Ordinance, shall be a violation of this Ordinance may subject the owner to civil prosecution, and the revocation of any short-term rental permit previously issued.
- B. Any person who has violated or permitted the violation of any provision of this Ordinance, shall, upon determination of violation by a judge of Court of Common Pleas of Allegheny County or a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000.00 but not less than \$500.00, per day per violation, together with costs, including reasonable attorney fees. Each day of the violation shall constitute a separate offence for which additional penalties may be sought.
- C. The Township reserves the right to avail itself to other forms of appropriate legal and/or equitable remedies including injunctive relief, for violations of this Ordinance.

D. If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month, then the license shall be revoked by the Township for a period of one year (1) and the short-term rental must be discontinued for that time.

1 YEAR or MORE

Retroactivity.

The terms of this Ordinance shall apply retroactively to all short-term rental facilities currently operating as well as prospectively.

Severability.

The terms, provisions and applications of this Ordinance are severable. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid such holding shall not affect the remaining provisions of applications of this Ordinance. The remaining provisions and/or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Effective Date.

This Ordinance shall become effective immediately upon approval of the Council.

ORDAINED AND ENACTED into an Ordinance of the Township of Robinson this 12th day of September, 2022, by the Board of Commissioners of the Township of Robinson.

ATTEST:

TOWNSHIP OF ROBINSON

By: [Signature]

Frank Picollino III, Township Manager

By: [Signature]

Samuel Abbata, President

Sumner Wood