

**WILMERDING BOROUGH
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1054**

**AN ORDINANCE OF THE BOROUGH OF WILMERDING,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA PROVIDING FOR AND REGULATING
THE USE OF SHORT-TERM RENTALS, ESTABLISHING
RULES AND STANDARDS PERTAINING TO SUCH USES,
PROVIDING DEFINED TERMS IN CONNECTION
THEREWITH AND PROVIDING PENALTIES FOR ANY
VIOLATIONS.**

WHEREAS, Wilmerding Borough Council is aware of the increase in popularity of short-term residential rentals and their potential impact on residential neighborhoods affecting density of population and intensity of use; and

WHEREAS, Wilmerding Borough Council has decided to permit short-term residential rentals in the Borough and to regulate such usage as permitted under the Borough Code and the Municipalities Planning Code; and

WHEREAS, Wilmerding Borough Council has determined that transient use of residential housing is inconsistent and incompatible with low density and medium density residential zoning within the Borough of Wilmerding, but more appropriate in high density residential zoning located within Wilmerding Borough in the R-3 Zone; and

WHEREAS, Borough Council desires to permit short-term rental uses within the high density residential zoning district (R-3) in such a manner as to provide the benefits of such rentals while protecting the character and residential qualities of the residential neighborhoods in the Borough of Wilmerding; and

WHEREAS, this Ordinance is deemed to be in the best interest, safety and welfare of the residents of Wilmerding Borough.

NOW, THEREFORE, it is hereby ORDAINED as follows:

SECTION 1 – TITLE

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

SECTION 2 – PURPOSE

The provisions of this Ordinance shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Borough of Wilmerding, except that they shall not apply to any camp, hotel/motel/inn, boarding house, or group home, as may be defined within the Zoning Ordinance. The owner of the subject property shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the owner.

SECTION 3 – DEFINITIONS

The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

"Council" means the Wilmerding Borough Council.

"Certified Code Official" means the person holding commercial or residential inspection certifications with the Pennsylvania Department of Labor and Industry, who performs the inspection of the short-term rental to ensure compliance with the most recently adopted International Property Maintenance Code (IPMC).

"Code Official" means the person appointed by the Wilmerding Borough Council to administer and enforce this Ordinance.

"Conspicuously Posted" means in a manner that a reasonable person would not believe they were trespassing while viewing the posted permit at the short-term rental.

"Owner" means the person or entity holding legal and/or equitable title to the short-term rental.

"Person" means any natural person, individual, partnership, firm, association, corporation, or other entity.

"Short-term rental" means the rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for at least one night, but no more than 30 consecutive calendar days in duration, in the R-3 Zone, including, but not limited to, detached

single-family dwellings, two-family dwellings, condominiums, duplexes, triplexes, townhomes and multiple-family dwellings.

"Structure" means any man-made object having an ascertainable stationary location at any given time on land or water.

SECTION 4 – 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.

SECTION 5 – PERMIT APPLICATION; FEE

The application for a short-term rental permit shall be made by the owner to the Code Official accompanied by a fee established by resolution of Council. The permit fee shall not be prorated when applied for during a calendar year and shall be valid for the year in which it is issued. The application shall contain the following information:

- A. The name, physical address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24 hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over fifteen (15) miles from the Short-Term Rental Property, then an agent or local contact person who does live within fifteen (15) miles must be selected to act as Person in Charge for the property.
- B. The name, physical address, email address and 24 hour telephone number of the Agent or Person in Charge, when required, of the Owner of the short-term rental.
- C. Such other information as the Code Official may deem appropriate to show compliance with all Wilmerding Borough Ordinances.

SECTION 6 – INSPECTION

Prior to the issuance of a Permit under this Ordinance, the owner of the short-term rental shall permit the Certified Code Official appointed by the Borough to inspect the short-term rental unit to ensure that the rental unit is in compliance with the most recently adopted International Property Maintenance Code and Borough Ordinances.

SECTION 7 – PERMIT RENEWAL

A short-term rental permit shall be valid for the calendar year in which it is issued. The owner shall renew a short-term rental permit by re-applying annually on or before December 15.

SECTION 8 – CONDITIONS OF PERMIT

All permits and renewals issued pursuant to this Ordinance are subject to the following conditions:

- A. The owner of the short-term rental passing the inspection set forth under Section 6 above and complying with the most recently adopted International Property Maintenance Code, which is herein adopted for purposes of this Ordinance.
- B. The owner shall provide proof that short-term rental is not prohibited by any applicable property owners or homeowner association or any declaration of conditions, covenants and restrictions. If not permitted, the Borough will notify the Property Owners or Homeowner Association of the issuance of the permit as the Code Official cannot enforce a private covenant and this Ordinance is separate from any private covenant.
- C. The owner furnishing to the Code Official a 24-hour emergency contact phone number for a person who will be available to respond to complaints.
- D. Short-term rentals shall be used only for overnight lodging accommodations.
- E. All advertising for the short-term rental shall include the Borough issued permit number.
- F. The primary overnight and daytime occupant of the short-term rental must be an adult individual at least 25 years of age or older. This primary adult occupant must provide a telephone number to the Owner and shall be accessible to the Owner by telephone at all times.
- G. The Code Official shall have the authority at any time to impose additional uniform or standard conditions, applicable to all short-term rentals, as necessary to achieve the objectives of this Ordinance.

SECTION 9 – POSTING OF PERMIT; LIMITATION ON PERMIT

- A. Posting of Permit. Short-term rental permits shall be conspicuously posted on the property being rented
- B. Limitation on Permit. Short-term rental permits are not transferable from one owner to another owner. Upon sale or transfer of a short-term rental, a new owner shall secure a new short-term rental permit.

SECTION 10 – DENIAL OF PERMIT

No application for an initial or renewal permit shall be denied if it is in compliance with this Ordinance. If a short-term rental permit is denied, the Code Official shall send the owner written notice of the denial along with the reasons for denial. The owner has the right to appeal the denial of a permit under Section 12 below.

SECTION 11 – REVOCATION OF PERMIT

Any short-term permit issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this Ordinance has occurred on three or more occasions after the issuance of the Permit. A permit may only be revoked by the Code Official after written notice to the owner describing the violation of this Ordinance or the condition of the permit citing the applicable sections of this Ordinance. The owner has the right to appeal the revocation of a permit under Section 12 below.

SECTION 12 – NOTICE/SERVICE; CORRECTIVE MEASURES; APPEAL RIGHTS

- A. Notice/Service. The Code Official shall have authority to give notice, by personal service, posting of the short-term rental, or by regular United States mail, postage prepaid, to any owner violating this Ordinance, or when denying or revoking a permit.
- B. Corrective Measures. For a violation, the notice shall direct compliance with this Ordinance within ten (10) calendar days following service of the notice. Any notice issued for a violation of this Ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation is for the same section of this Ordinance and the violation occurs within the same calendar year.
- C. Appeal. Any person directly affected by a determination of the Code Official shall have the right to appeal to the Council, provided that a written application for appeal is filed within ten (10) calendar days after the day the notice was served or the permit issued.
- D. Stays of enforcement. Appeals of notices or permits issued by the Code Official shall stay the action or enforcement of the notice until the appeal is heard by the Council.

SECTION 13 – SHORT TERM RENTAL STANDARDS

Any short-term permit issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this Ordinance has occurred on three or more occasions after the issuance of the Permit. A permit may only be revoked by the Code Official after written notice to the owner describing the violation of this Ordinance or the condition of the permit citing the applicable sections of this Ordinance. The owner has the right to appeal the revocation of a permit under Section 12 above.

- A. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom, or (ii) a maximum of six (6) occupants, whichever is less. The primary overnight and daytime occupant of the short-term rental must be an adult individual at least 25 years of age or older.
- B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be seventy-five percent for the maximum overnight occupancy of the Short-Term Rental.

- C. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property and lawful on-street parking areas. In no event shall parking for Short-Term Rental guests include spaces on any lawns or vegetated areas.
- D. Neither Short-Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- E. The owner shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Borough Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- F. The owner shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Borough Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- G. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- H. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.
- I. Fireworks and floating lanterns are prohibited.
- J. Subleasing all or a portion of the dwelling unit is prohibited.
- K. All Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
 - 1. The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can 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 dwelling unit and the maximum number of day guests permitted at any one time.
 - 4. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 - 5. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Borough Code, including parking and occupancy limits.

6. Notification that Short-Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.
- L. All Short-Term Rentals shall be equipped with the following:
1. Smoke detectors in each bedroom;
 2. Smoke detectors outside each bedroom in common hallways;
 3. Smoke detectors on each floor;
 4. GFI outlets for outlets located within six (6) feet of water source;
 5. Aluminum or metal exhaust from dryer;
 6. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
 7. Carbon monoxide detector if garage is attached;
 8. Fire extinguisher in kitchen;
 9. Stairs (indoor and outdoor) in good condition; and
 10. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in Appendix G of the 2009 International Residential Code.
 11. Any other occupancy requirements which may be added by Ordinance revision by the Borough Council.
- M. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental Permit, the violation of which may result in a revocation of that permit by the Enforcement Officer.

SECTION 14 – ENFORCEMENT

The Code Official of the Borough is charged with enforcement of the provisions of this Ordinance.

SECTION 15 – PENALTIES

- A. Any person or owner who violates or permits the violation of this Ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not less than three hundred (\$300.00) and not more than one thousand (\$1,000.00) plus the costs of prosecution; OR a civil penalty of not more than one thousand (\$1,000.00) Dollars together with court costs and reasonable attorney fees. A violation of this Ordinance shall arise for each day of the violation subject to an additional penalty.
- B. In addition to, but not in limitation of, the provisions of Subsection A. and Section 13, the Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental Permit for three (3) uncured or repeated violations of this Chapter in any rolling twelve (12) calendar month period. The revocation or denial to renew a Short-Term Rental Permit shall continue for six (6) months for the first set of three (3) uncured or repeated violations, and continue for one (1) year for any subsequent sets of violations.

SECTION 16 – RETROACTIVITY

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

SECTION 17 – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 18 – REPEALER

All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 19 – EFFECTIVE DATE

This Ordinance shall become effective immediately.

ORDAINED into law this 4 day of April, 2023.

ATTEST:

WILMERDING BOROUGH

By [Signature]
Secretary

By Kelly B Maxwell
President

APPROVED this 4 day of April, 2023.

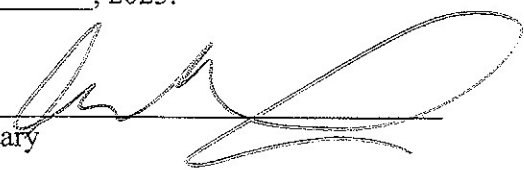
By [Signature]
Mayor

CERTIFICATION

I, Caroline Lang, hereby certify that I am the Secretary of Wilmerding Borough, and that the within Ordinance was advertised in accordance with law and enacted at a regular meeting of Borough Council duly convened, at which a quorum was present and voted in favor thereof.

Certified this 4 day of April, 2023.

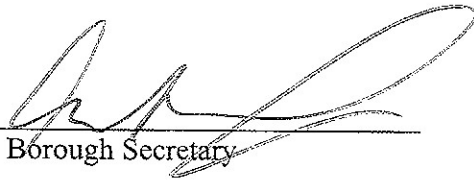
By _____
Secretary



NOTICE

NOTICE TO RESIDENTS OF WILMERDING BOROUGH:

Take Notice that at a regular meeting of Borough Council of Wilmerding Borough to be held on the ____ day of _____, 2023 at 7:00 p.m. in the Municipal Building at Commerce and Station Streets, Wilmerding, PA 15148, Borough Council will consider a proposed Ordinance providing for and regulating the use of short-term residential rentals. A copy of the Ordinance may be perused at the office of the newspaper where this advertisement appears or at the office of the Borough Secretary. At said time and place you are invited to attend and to take such part as you see fit.



Borough Secretary