

ORDINANCE NO. 140
AMENDMENT TO ORDINANCE NO. 135 OF 2018
SHORT TERM RENTAL ORDINANCE
FOR

LEHMAN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA

BE IT ORDAINED AND ENACTED by the Lehman Township Board of Supervisors, Pike County, Pennsylvania, as follows:

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

§102. Purpose. The purpose of this Ordinance is to require the owner or owners of a residential dwelling unit that is used as a short-term rental, as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this Ordinance in order to safeguard the peace, safety and general welfare of the residents of Lehman Township and their visitors and guests by eliminating excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and the accumulation of refuse which are directly related to short-term rentals.

§103. 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:

"Adult" means a person who is 18 years of age or older.

"Agent" means the representative, if any, designated by the Owner in accordance with Section 106 of this Ordinance.

"Board" means the Lehman Township Board of Supervisors.

"Certified Code Official" means the person holding commercial and 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 2015 International Property Maintenance Code (IPMC).

"Code Official" means the person appointed by the Lehman Township Board of Supervisors 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 two consecutive nights, but no more than 30 consecutive calendar days in duration, in a zoning district where residential uses are allowed, 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.

§104. 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.

§105. 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 Board. The application shall contain the following information:

A. The name, address and telephone number of the owner of the short-term rental for which the permit is to be issued.

B. The name, address and telephone number of the Agent, when required, of the Owner of the short-term rental.

C. Evidence that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2015 International Property Maintenance Code by a person who holds current commercial and residential inspection certifications with the Pennsylvania Department of Labor and Industry. All applications for a short-term rental permit shall include a dated inspection report in the year the application is made, which includes the name, city and certification number of the certified code official performing the inspection.

D. Proof of general liability insurance with a minimum amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Township harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the permitting of the short-term rental.

E. Such other information as the Code Official may deem appropriate to show compliance with all Lehman Township Ordinances.

§106. Agent. An owner may retain an Agent or a representative to comply with the requirements of this Ordinance, including, without limitation, the filing of an application for a permit that has been signed by the owner, the management of the short-term rental, and the compliance with the conditions of the permit. An owner who resides more than 30 air miles from the short-term rental shall appoint an agent who shall reside within 30 air miles from the short-term rental. The permit shall be issued only to the Owner of the short-term rental. The owner of the short-term rental is responsible for compliance with the provisions of this Ordinance and the failure of an Agent to comply with this Ordinance shall be deemed non-compliance by the owner.

§107. Permit Renewal. A short-term rental permit shall be valid for the calendar year and following year in which it is issued. The owner shall renew a short-term rental permit by re-applying biennially (every two years) on or before December 31st. A permit is not transferrable.

§108. Conditions of Permit. All permits and renewals issued pursuant to this Ordinance are subject to the following standard conditions:

A. The owner shall ensure that the short-term rental complies with the 2015 International Property Maintenance Code, which is herein adopted for purposes of this Ordinance; the Lehman Township Zoning Ordinance; and all applicable Lehman Township Ordinances.

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 Township may 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 shall offer evidence by way of a dated inspection report that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2015 International Property Maintenance Code by a person who holds current commercial and residential inspection certifications with the Pennsylvania Department of Labor and Industry.

D. The owner shall provide proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Township harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the short-term rental.

E. The owner shall provide to the Code Official a 24-hour emergency contact number for a person who will be available to respond to complaints.

F. The short-term rental must have a minimum of one off-street parking space for each bedroom. However, the maximum number of vehicles allowed at the short-term rental shall be limited to the available number of off-street parking spaces provided on the same property as the short-term rental.

G. Short-term rentals shall be used only for overnight lodging accommodations. They may not be used for weddings, conferences, or similar events.

H. All advertising for the short-term rental shall include the Township issued permit number.

I. The primary overnight and daytime occupant of the short-term rental must be an adult individual. This primary adult occupant must provide a telephone number to the Owner and shall be accessible to the Owner by telephone at all times.

J. Prior to renting, the Owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The Owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the short-term rental with the provisions of this Ordinance. Copies of the acknowledgements shall be provided to the Code Official within five (5) days of a request.

K. The owner shall have a written lease or rental agreement for each tenant. Each lease or rental agreement for a short-term rental shall include a copy of this Ordinance to be attached as an exhibit. The owner shall retain copies of all written lease or rental agreements for at least two years. Copies of the lease or rental agreements shall be provided to the Code Official within five (5) days of a request by the Code Official.

L. The owner shall ensure that the occupants of the short-term rental do not violate any Township Ordinance, community rule or regulation, or State or Federal Law. Owners are expected to take all measures necessary to ensure that the occupants of the short-term rental do not violate any Township Ordinance, community rule or regulation, or State or Federal Law, including notifying law enforcement, the Code Official and/or private security for the community in which the short-term rental is located. The owner shall immediately evict any renter who violates any Township Ordinance, community rule or regulation, or State or Federal Law.

M. During a pandemic when an emergency disaster is declared by the Commonwealth of Pennsylvania, the Governor, or the Township Board of Supervisors, no owner shall rent to any new tenant no matter what the length of time.

N. 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.

§109. 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 the sale or transfer of a short-term rental, a new owner is required to secure a new short-term rental permit.

§110. 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 112 below.

§111. 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 after the issuance of the Permit and a notice to cure has been issued and not complied with. 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 112 below.

§112. 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 five (5) 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 Board, provided that a written application for appeal is filed within five (5) calendar days after the day the notice was served.

D. Stays of enforcement. Appeals of notices issued by the Code Official under this Ordinance relating to a violation of this Ordinance or a revocation of a permit issued under this Ordinance shall stay the action or enforcement of the notice until the appeal is heard by the Board.

E. Subpoenas. The Chairperson of the Board may compel the attendance of witnesses and the production of books, papers or other evidence at any appeal hearing before the Board and for that purpose may issue subpoenas, signed by the Chairperson of

the Board, which shall be served in any part of this Commonwealth.

§113. Administration and Enforcement.

A. The Code Official of the Township is charged with administration and enforcement of the provisions of this Ordinance.

B. Property Owners or Homeowners Associations shall be required to cooperate with the Code Official in the enforcement of this Ordinance, including allowing the Code Official access to the community where the short-term rental is located, the ability to inspect documents pertaining to short term rentals, and assisting in the prevention of rentals where the owners operate in violation of this Ordinance.

§114. Penalties. 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 more than one thousand (\$1,000.00) dollars plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; OR a civil penalty of not more than six hundred (\$600.00) dollars together with court costs and reasonable attorney fees. A violation of this Ordinance shall arise for each day of the violation; and each applicable section of the ordinance.

§115. 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 distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

§117. Effective Date. *This Ordinance shall become effective immediately following its adoption.*

ADOPTED THIS 23rd DAY OF JULY, 2020, by the Lehman Township
Board of Supervisors.

ATTEST:

Edwina Wafe
Secretary-Asst.

LEHMAN TOWNSHIP BOARD OF
SUPERVISORS:

Robert H. Polinger
Chairperson

Theresa Leno
Vice-Chairperson

Dee-Ann Smith
Secretary/Treasurer