

**PROPOSED**

**BOROUGH OF ZELIENOPE**  
**COUNTY OF BUTLER**  
**COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO #884-22**

**AN ORDINANCE OF THE BOROUGH OF ZELIENOPE, COUNTY OF BUTLER, IN THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING GUIDELINES FOR SHORT TERM RENTAL UNITS WITHIN THE BOROUGH.**

**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough of Zelienople, Butler County, Pennsylvania (the “Borough”), the Borough has determined that it is necessary to inspect and license residential rental structures within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ZELIENOPE, BUTLER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION ONE:**

The Code of Ordinances of the Borough of Zelienople is hereby amended to add the following definition:

**Short Term Rental** – A dwelling in which the owner rents any area of the dwelling to one (or more) individuals for compensation or fee of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than thirty 30 consecutive days. This definition applies to all types of residential dwellings including (but not limited to) single family residential, multi-family residential, and residential properties commonly considered as seasonal homes, vacation homes, or tourist homes.

**Location-** Short Term Rentals shall be permitted on Main Street and East or West Grandview Avenue up to Clay Street, provided that the following provisions are met:

**Annual Safety Inspection-** Performed by Borough Code Enforcement/Zoning Officer. A yearly inspection is completed to assure conditions in dwelling are compliant with adopted Property Maintenance Code.

**Submission of Names and Addresses and Registration Required-** All owners or operators of residential property that intend to use all or any portion of their residential property as a Short Term Rental within the Borough of Zelienople shall, as of \_\_\_\_\_, 2022, notify the

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Borough in writing by submitting the property addresses and a brief description of the space that will be used for the Short Term Rental.

**Information Required-** All owners or operators of residential property that intend to use all or any portion of their residential property as a Short Term Rental within the Borough of Zelienople shall, as of \_\_\_\_\_, 2022, notify the Borough in writing by submitting an application to the Borough for a Short Term Rental License, as well as complying with the remaining provisions of this section. The cost of the annual Short Term Rental License is One Hundred Dollars

No person shall operate a Short Term Rental unless he holds a current unsuspended Short Term Rental unit license issued by the Borough in his name for the specific residential dwelling.

The Borough Code Enforcement/Zoning Officer or designated agent, upon application, shall issue new Short Term Rental unit licenses, and renewals thereof, in the names of applicant, owner or operator of the residential dwellings. No such licenses shall be issued unless the residential dwellings in connection with which the license is sought are found, after inspection, to meet all requirements of this article, any safety standards, and applicable rules and regulations.

No Short Term Rental unit license shall be issued or renewed unless the applicant, owner or operator has first made application therefore on an application form provided by the Borough Secretary or designated agent. The Borough Code Enforcement/Zoning Officer or designated agent shall develop such forms and make them available to the public.

No Short Term Rental unit license shall be issued or renewed unless the applicant, owner/ or operator agrees in his application to an inspection as the Borough Code Enforcement/Zoning Officer or designated agent may require to determine whether the residential dwelling in connection which such license is sought is in compliance with the provisions of this article and with applicable rules and regulations. The license applicant, owner or operator shall be notified in advance of the time and date of all inspections.

No Short Term Rental unit license shall be issued or renewed unless the completed application form is accompanied by payment of the license fee. Zelienople Borough Council shall set the fees for the rental unit license, from time to time, by resolution.

No Short Term Rental unit license shall be issued or renewed for an applicant unless such applicant has first designated an agent for the receipt of service of violations of the provision of this article and for service of process pursuant to this article. Such a designation shall be made in writing, and shall accompany each application form. The applicant may designate any person residing within twenty five (25) miles of the borough as agent for this purpose.

Each Short Term Rental unit license shall be made available by the owner or operator for inspection upon request. The license shall be transferable to another person, but not to another residential dwelling. Every person holding a Short Term Rental unit license shall give notice, in writing, to the Borough Code Enforcement/Zoning Officer or designated agent within seven (7)

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days after having transferred or otherwise disposed of the legal control of any licensed residential dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such residential dwelling.

Every owner or operator of a licensed Short Term Rental shall keep, or cause to be kept, a complete and accurate list of all occupants who are now or who have in the past occupied the residential dwelling. Such records shall be made available by the owner or operator to the Borough Code Enforcement/Zoning Officer or designated agent for inspection and copying upon request.

Whenever, upon annual inspection of the licensed residential dwelling, the Borough Code Enforcement/Zoning Officer or designated agent finds that conditions or practices exist which are in violation of the provision of this article or of any applicable rules and regulations or ordinances pursuant thereto, he shall serve the owner or operator with notice of such violation. Notice means written notice, given by personal service upon the addresses, or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of United States Postal Service. Such notice shall state that unless the violations cited are corrected within a period not to exceed thirty (30) calendar days, a citation will be issued.

At the end of the time he has allowed for correction of any violation cited, the Borough Code Enforcement/Zoning Officer or designated agent shall re-inspect the residential dwelling, and if he determines that such conditions have not been corrected, he shall issue a citation.

The owner or operator of any rental unit shall not evict or cause the renter to suffer any financial loss because of a renter complaint about a possible violation of any property maintenance code requirement. This shall not prohibit the owner or operator from evicting the renter for reasons unrelated to the complaint specified above.

**Parking Requirements-** As set forth in Section 806 of the Borough Zoning Ordinance 779, the owner or operator of a licensed Short Term Residential must provide a minimum of two (2) off-street parking spaces plus one (1) per rented room.

No driveway, or any part thereof, used or useable for purposes of ingress and egress to or from any other property shall be included in computing and providing for the required number of parking spaces herein set forth.

### **Violations and Penalties-**

(a) Any owner or operator of a licensed Short Term Rental failing to comply with the requirements of this chapter shall, for such failure, be subject to a fine of up to five hundred dollars (\$500.00) for each rental unit or name and address that he or she fails to file in writing with the Borough of Zelienople. Each offense shall be considered a separate offense and shall be subject to a separate fine. The provisions of this article, so far as they are the same in those of ordinances and regulations in force immediately prior to the enactment of this article, are intended as a continuation of such ordinances and regulations and not as new enactments. The

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provisions of this article shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

(b) In addition to and not in lieu of the penalties provided in subsection (a) above, the Borough Code Enforcement/Zoning Officer may suspend or revoke any Short Term Rental unit license issued to any licensee if:

1. The application for the license contains false information;
2. The application fails to include a contract indicating that the licensee assumes full responsibility for any and all delinquency in payments of utility bills;
3. The licensee shall have violated any provision of any Borough Ordinances; or
4. Failure to correct any of the violation after notice of the violation has been sent to the licensee via registered mail.

### Noise Violations

1. 3+ Violations License Suspension- 6 Months
2. 5+ Violations License Revoked

An appeal from any suspension or revocation may be made to the Borough Council at any time within ten (10) days. The appeal must be presented in writing. The Borough Council will issue their decision to the party making the appeal within forty five (45) days after Council's receipt of the written appeal.

### **SECTION TWO:**

The Borough Council of the Borough of Zelienople is hereby authorized and directed to execute any and all documents necessary to effectuate the purposes of this Ordinance.

### **SECTION THREE:**

Any person aggrieved by any action or decision of the Building Inspector or Code Enforcement Officer concerning the administration of the provisions of this ordinance may appeal to the Zelienople Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Building Inspector or Code Enforcement Officer.

Upon receipt of such appeal the Zelienople Borough Council shall consider the appeal in accordance with the International Property Maintenance Code and any other local ordinance.

Any person aggrieved by any decision of the Zelienople Borough Council may seek relief therefrom by appeal to the Court of Common Pleas of Butler County, as provided by the laws of this state.

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**SECTION FOUR:**

Any ordinance or part thereof in conflict herewith is hereby repealed to the extent of said conflict.

**ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF ZELIENOPE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**ATTEST:**

**BOROUGH OF ZELIENOPE**

\_\_\_\_\_  
**Donald C. Pepe  
Zelienople Borough Manager**

By: \_\_\_\_\_  
**Mary Hess,  
President, Zelienople Council**

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Hon. Thomas Oliverio, Mayor