

ORDINANCE NO. 2 OF 2021
SHORT TERM RENTAL ORDINANCE
FOR
THROOP BOROUGH, LACKAWANNA COUNTY, PENNSYLVANIA

BE IT ORDAINED AND ENACTED by the Throop Borough Council, Throop Borough, Lackawanna 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 protect and promote the public health, safety and welfare.

§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:

“Council” means the Borough Council of Throop Borough.

“Certified Code Official” means the person holding commercial or residential inspection certifications with the Pennsylvania Department of Labor and Industry, or a property maintenance certification through International Code Council, who performs the inspection of the short-term rental to ensure compliance with the 2015 edition of International Property Maintenance Code (IPMC).

“Code Official” means the person appointed by Council to accept Short Term Rental applications, and excluding required inspections of properties, is charged with the administration and enforcement of the provisions of 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 dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 30 days on more than one occasion to someone other than a family member of the landowner where the landowner resides in the dwelling unit during the rental, or more than a total of 183 days per year. The term does not include a hotel, motel or short-term transient rental.

“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 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, address and telephone number of the owner of the short-term rental for which the permit is to be issued.
- B. A copy of zoning approval to document the property has been issued zoning approval to be used as a short term rental.
- C. 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, edition of International Property Maintenance Code (IPMC) 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 Borough 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 Throop Borough Ordinances.

§106. Inspection. Prior to the issuance of a Permit under this Ordinance, the owner of the short-term rental shall have a Certified Code Official inspect the short-term rental unit to ensure that the rental unit is in compliance with the 2015, edition of International Property Maintenance Code (IPMC). Said report shall be retained on file with the Borough.

§107. Permit Renewal. A short-term rental permit shall be valid for the calendar year from which it is issued. The owner shall renew a short-term rental permit by re-applying annually on or before December 31st.

§108 Maximum Occupancy: Overnight occupancy of a short-term rental shall be limited to no more than two (2) persons per bedroom. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall not exceed 25% for the maximum overnight occupancy of the short-term rental.

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

- A. The Owner of the short-term rental passing the inspection set forth under Section 106 above and complying with the 2015 edition of International Property Maintenance Code (IPMC), 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. A dated inspection report under Section 106 that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2015, edition of International Property Maintenance Code (IPMC).
- 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 Borough 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 furnish to the Code Official a 24/7 emergency contact phone number for a person who will be available to respond to complaints.
- F. The short-term rental must have a minimum of two off-street parking spaces 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.
- H. All advertising for the short-term rental shall include the Borough issued permit number.
- I. The primary overnight and daytime occupant of the short-term rental must be an adult individual 21 years of age or older. This person 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, 21 years of age or older, 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. This information shall be readily available upon request of the Code Official.
- K. The Owner shall ensure that the occupants of the short-term rental do not violate any Borough Ordinance or regulations, 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 Borough Ordinance, regulation, or State or Federal Law, including notifying law enforcement, and the Code Official.
- L. 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.

§110. 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.

§111. 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 of this Ordinance.

§112. Revocation of Permit. Any short-term permit issued may be subsequently revoked by the Code Official when he/she 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 113 of this Ordinance.

§113. 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 Council.

§114. Enforcement. The Code Official of the Borough, excluding required inspections of properties, is charged with enforcement of the provisions of this Ordinance.

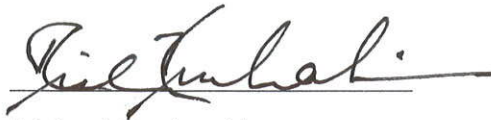
§115. Penalties. Any person or owner who violates or permits the violation of this Ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than one thousand (\$1,000.00) plus the costs of prosecution, and, in default of payment of fine and costs, 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.

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

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

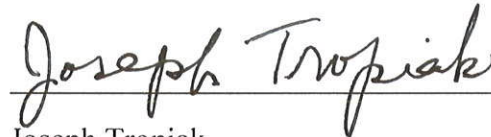
§118. Effective Date. This Ordinance shall become effective from the date of its approval and adoption, as provided for by law.

APPROVED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF THROOP ON THIS 11th DAY OF JANUARY 2021



Richard Kucharski

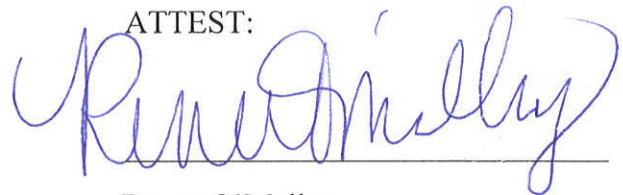
PRESIDENT OF COUNCIL



Joseph Tropiak

MAYOR

ATTEST:



Renee O'Malley

BOROUGH COUNCIL SECRETARY