

**BOROUGH OF SEWICKLEY  
ORDINANCE NO. 1380**

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION AND PERMITTING OF SHORT-TERM RENTAL PROPERTIES, AND SETTING FORTH DEFINITIONS, PERMIT APPLICATION REQUIREMENTS, APPLICATION AND INSPECTION FEES, INSPECTION SCHEDULES, APPEAL PROCEDURES, REGULATIONS FOR TRANSFERS, ASSIGNMENTS, AND RENEWALS, AND ESTABLISHING PENALTIES FOR VIOLATIONS.**

WHEREAS, the Council of the Borough of Sewickley finds that short-term rentals help to accommodate the many individuals who visit Sewickley Borough every year; and

WHEREAS, the Council of the Borough of Sewickley finds that it is necessary to impose reasonable regulations on short-term rentals to protect the health, safety, and welfare of the community and its guests; and

WHEREAS, the Council of the Borough of Sewickley finds that it is necessary to implement procedures to provide for the permitting of short-term rental properties through an application and inspection process to adequately enforce such regulations for the protection of public health, safety, and welfare.

NOW THEREFORE, be it Ordained and Enacted by the Council of the Borough of Sewickley, as follows:

**Section 1.00 Definitions.**

*Short-term rental.* The rental or offer for rental of a dwelling unit or any portion of a dwelling unit for a period of less than thirty (30) days. "Short-term rental" does not include:

- (a) Extension of a lease for periods of less than thirty (30) days when the original lease was for a period of thirty (30) days or more.
- (b) A leaseback arrangement under which the seller of a home leases the home back from the purchaser for periods of less than thirty (30) days.

*Short-term rental unit.* A dwelling unit, a portion of a dwelling unit, or any other structure or space that is offered to guests for short-term rental purposes, as defined herein. "Short-term rental unit" does not include:

- (a) A structure or any part of a structure not intended for human occupancy, including space in utility sheds, garages, attics, or basements that is not designed, inspected, and licensed to ensure proper certification for human occupancy.

- (b) A camper, tent, or vehicle, including a recreational vehicle.
- (c) Rooms or suites at hotels.
- (d) Accommodations at bed and breakfast establishments properly approved by the Borough.
- (e) Healthcare facilities licensed by the State.

**Section 1.01 Short-term rental permit required.**

(a) *Permit required.* Any person operating a short-term rental unit or advertising any property within the Borough of Sewickley as available for short-term rental use must hold a valid short-term rental permit. When an applicant desires to operate more than one short-term rental unit within a single dwelling unit, the applicant must obtain a separate permit for each short-term rental unit. A permit holder must include the short-term rental permit number in all advertisements for a short-term rental unit, including all online listings. No permit shall be required for owner-occupied short-term rentals that offer only a bedroom in the principal residence that does not constitute a self-contained dwelling unit and that is concurrently occupied by the owner for the duration of the stay.

(b) *Multiple permits prohibited.* No person may hold more than three short-term rental permits concurrently.

(c) *Pre-existing short-term rentals.* Notwithstanding the foregoing, short-term rental units that were lawfully operated prior to the adoption of this ordinance may continue in operation, provided that:

(i) The operator must apply for a short-term rental permit no later than forty-five (45) days after enactment of this ordinance or within fifteen (15) days of written notice from the Borough that a permit is required;

(ii) The operator of the short-term rental unit must meet the eligibility requirements for an applicant for a short-term rental permit as established in this ordinance; and

(iii) The short-term rental unit must meet the eligibility requirements established in this ordinance.

(d) *Applicant.* An applicant for a short-term rental permit:

(i) Must be a natural person who is at least twenty-one (21) years old and has the legal right to occupy the dwelling unit and operate a short-term rental unit;

(ii) May not be a person who has had a permit or license for operation of a short-term rental unit or other guest accommodation revoked within the previous twenty-four (24) months, either within the Borough or at any other location; and

(iii) May not be a co-habitant with a person who lives at the same dwelling unit where the short-term rental unit will be located and has had a permit or license for operation of a short-term rental or other guest accommodation revoked within the previous twenty-four (24) months, either within the Borough or at any other location.

(e) *Expansions.* A short-term rental permit is valid only for the short-term rental unit as depicted in the permit application. A short-term rental unit may not be enlarged or expanded to include other rooms unless a new permit is obtained.

(f) *Expiration.* A short-term rental permit shall expire one year after the date of issuance unless it is renewed prior to expiration.

### **Section 1.02 Application requirements.**

To obtain a short-term rental permit, an applicant must first complete an application on a form prescribed by the Borough and provided by the Borough Manager or Code Enforcement Officer. The application form must include:

- (a) The address of the proposed short-term rental unit.
- (b) The name, mailing address, street address (if different from the mailing address), telephone number, and e-mail address of:
  - (i) The applicant;
  - (ii) The record owner of the property, if the applicant is not the record property owner;
  - (iii) A local responsible party, if other than the applicant, who:
    - (A) Resides or is located within five (5) miles of the short-term rental unit; and
    - (B) Will be responsible for addressing operational and safety concerns and responding to nuisance complaints; and
  - (iv) An alternate contact person, who:
    - (A) Resides or is located within ten (10) miles of the short-term rental unit; and
    - (B) Will be responsible for addressing operational and safety concerns and responding to nuisance complaints in the event the operator of the short-term rental or local responsible party is unavailable or does not respond.
- (c) A statement signed by the property owner, if the applicant is not the property owner, authorizing the applicant to submit the application.
- (d) The name and contact information for any host platform the applicant plans to use for listing the proposed short-term rental unit.

(e) A statement verifying that:

(i) The applicant has confirmed that the proposed short-term rental use will not violate any covenants, homeowners association rules, bylaws, condominium agreement terms, rental agreement terms, or other restrictions applicable to the property; and

(ii) No permit or license for operation of a short-term rental unit or other guest accommodation, either within the Borough or at any other location, has been revoked in the twenty-four (24) month period preceding the date of the application, either from:

(A) The applicant; or

(B) A person who is a co-habitant with the applicant.

(f) Proof of payment of property taxes applicable to the parcel on which the proposed short-term rental unit will be operated.

(g) A floor plan, drawn to scale, showing:

(i) The structure containing the proposed short-term rental unit; (ii)

The rooms to be used by short-term rental guests for sleeping;

(iii) All other rooms and indoor areas to be used by short-term rental guests;

(iv) The location of windows, doors, and smoke and carbon monoxide detectors; and

(v) The evacuation route in case of fire or other emergency and verification of the presence of fire extinguishers, smoke alarms, and carbon monoxide detectors that are properly maintained and functioning.

(h) A site plan of the lot showing:

(i) The location of the proposed short-term rental unit;

(ii) Dedicated parking spaces for short-term rental guests; and

(iii) Any outdoor areas that will be available to guests, such as patios, balconies, swimming pools, pet enclosures, and other outdoor amenities.

(i) Photographs taken from each property line, showing views of the structure where the short-term rental unit is to be located.

(j) An affidavit, signed by the applicant, stating that:

(i) All information provided by the applicant is true and accurate; and

(ii) The applicant has reviewed, understands, and agrees to comply with the requirements of this ordinance.

(k) Any additional information determined by the Borough Manager or Code Enforcement Officer to be necessary for processing the application and verifying the eligibility of the applicant and the proposed short-term rental unit.

(l) Payment of an application fee in the amount of One Hundred (\$100.00) Dollars plus an inspection fee of One Hundred (\$100.00) Dollars if an inspection is required pursuant to this Ordinance.

**Section 1.03 Final measures to be completed prior to permit issuance.**

(a) *Inspection; notice to interested parties.* Within thirty (30) days of the date of notification by the Borough Manager or Code Enforcement Officer that it has determined a short-term rental application to be complete and all prerequisite conditions and criteria to have been met, the applicant must:

(i) Contact the Borough Manager or Code Enforcement Officer to schedule an inspection, as may be required by this Ordinance, to verify that:

(A) The property complies with all applicable building and fire codes; and

(B) The floor plan and site plan provided with the application accurately reflect the property; and

(ii) Provide proof that the applicant has given written notice to the owners and occupants of each dwelling unit within one hundred feet of the proposed short-term rental unit. Acceptable forms of proof shall be as determined by the Borough Manager or Code Enforcement Officer. The Borough Manager or Code Enforcement Officer shall also post the notice on the Borough's website. The notice shall:

(A) Be in a format approved by the Borough Manager or Code Enforcement Officer;

(B) Inform each such owner or occupant of the pending application, the Borough Manager or Code Enforcement Officer's intent to issue the permit, and the owner's or occupant's right to appeal issuance of the permit;

(C) Include a copy of the complete permit application for the proposed short-term rental unit; and

(D) Provide contact information for the Borough Manager or Code Enforcement Officer and the applicant for obtaining further information.

(b) *Failure to pass inspection.* If a proposed short-term rental unit fails to pass the inspection required under this section, the applicant may request a re-inspection, provided the re-inspection request is submitted within sixty (60) days of

the first inspection and an additional inspection fee of One Hundred (\$100.00) Dollars is submitted to the Borough. The application will be voided and no permit will be issued if the proposed short-term rental unit fails to pass re-inspection.

(c) *Insurance; other legal requirements.* If no appeal contesting issuance of a short-term rental permit is filed with the Sewickley Borough Council within the applicable deadline, or if the Sewickley Borough Council, upon hearing an appeal, has decided in favor of an applicant for a short-term rental permit, the applicant must within thirty (30) days:

(i) Provide proof that the applicant has obtained or applied for all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals, including but not limited to:

(A) Borough Occupancy Permit; and

(B) Any state, county, or local tax filings or forms specific to short-term rentals; and

(C) Any other license, permit, registration, or approval that may be required by state, county, or local regulations now or in the future, and as may be specifically requested by the Borough to complete the application.

(ii) Provide proof of liability insurance with a company authorized to do business in the State of Pennsylvania, insuring against personal injury (including death) and property damage claims related to the short-term rental use, with coverage limits of no less than Five Hundred Thousand (\$500,000.00) Dollars per occurrence. Said insurance coverage must remain in effect the entire time a short-term rental unit is available for rent.

(d) *Failure to complete required measures.* An application for a short-term rental permit will be voided and no permit will be issued if the applicant fails to complete any of the measures required under this section within the required timeframe.

#### **Section 1.04 Denial of permit.**

If the Borough Manager or Code Enforcement Officer determines that a proposed short-term rental unit or the person applying for a permit to operate the unit fails to meet any requirement, condition, or criteria established by this ordinance, the permit will be denied, subject to the applicant's right to appeal the denial as provided in this ordinance.

#### **Section 1.05 Issuance of permit.**

(a) *Borough approval.* The Borough Manager or Code Enforcement Officer shall issue a short-term rental permit to an applicant if:

(i) The Borough Manager or Code Enforcement Officer determines that the applicant and the proposed short-term rental unit meet the requirements, conditions, and criteria established by this ordinance;

(ii) The proposed short-term rental unit has passed inspection or re-inspection within a three (3) year period and the applicant has completed all other measures as required under Section 1.03; and

(iii) No appeal contesting issuance of a short-term rental permit has been filed with the Sewickley Borough Council within the applicable deadline.

(b) *Special conditions.* The Borough Manager or Code Enforcement Officer may make the issuance of a short-term rental permit subject to special conditions established to mitigate the impact of the short-term rental on surrounding properties and nearby residents. Such conditions may include, but are not limited to:

(i) Limitations on the number of vehicles per dwelling unit;

(ii) Designation of dedicated parking locations for guests or the issuance of a limited number of parking permits that must be displayed on guest's vehicles;

(iii) Limitations on the number of guests per dwelling unit or per bedroom;

(iv) Limitations on the type, size, and number of pets per dwelling unit based on property characteristics, location, and proximity to other homes;

(v) Display of signs or placards visible from the street that denote the property as a short-term rental unit and provide phone numbers for the local responsible party and alternate contact person;

(vi) Prohibition of guest use of certain outdoor areas;

(vii) Limited hours for use of outdoor areas; or

(viii) Prohibition of special events or for-profit functions.

#### **Section 1.06 Appeals from issuance or denial of permits.**

(a) *Filing an appeal.* Pursuant to the procedures established under this ordinance and Local Agency Law, an appeal may be filed with the Sewickley Borough Council by:

(i) An applicant whose application for a short-term rental permit has been denied or who wishes to appeal any special conditions imposed by the Borough Manager or Code Enforcement Officer; or

(ii) Owners and occupants of dwelling units within one hundred feet of the proposed short-term rental unit that are aggrieved by the issuance of a short-term rental permit.

(b) *Reversal of decision to issue or deny permit.* The Sewickley Borough Council may reverse the Borough Manager or Code Enforcement Officer's decision to issue or deny a short-term rental permit if it determines the Borough Manager or Code Enforcement Officer acted in error. If the Sewickley Borough Council finds in favor

of the applicant whose application for a permit has been denied, the Borough Manager or Code Enforcement Officer shall issue a short-term rental permit that is in compliance with the Sewickley Borough Council's findings upon completion of any final measures remaining to be completed under Section 1.03.

(c) *Special conditions.* The Sewickley Borough Council may:

(i) Impose special conditions on the issuance of a permit that was previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer under subsection (b) of Section 1.05; or

(ii) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer.

### **Section 1.07 Transfers and assignments.**

A short-term rental permit does not authorize any person, other than the person named on the permit, to operate a short-term rental. A permit holder may not transfer or assign the permit to another person or address. However, a new applicant may apply to assume operation of a permitted short-term rental and may be granted a temporary permit for the remainder of the original permit period if the applicant meets all eligibility requirements for short-term rental permit holders and any specific requirements for the permit for the property. An application for a temporary permit under this section must include:

(a) The same information as required for new permits under Section 1.02, except that no floor plan, site plan, or photographs are required if no changes have been made or are proposed to the short-term rental unit or the property containing the short-term rental unit;

(b) Payment of an application fee in the amount of One Hundred (\$100.00) Dollars plus an inspection fee of One Hundred (\$100.00) Dollars if an inspection is required pursuant to this Ordinance.

(c) Submittal of proof of liability insurance and compliance with all other applicable legal requirements in accordance with Section 1.03(c); provided that the applicant may opt to submit such documents after notification that the Borough Manager or Code Enforcement Officer has determined the application to be otherwise complete.

### **Section 1.08 Permit renewal.**

(a) *Renewal required upon expiration.* A short-term rental permit must be renewed upon its expiration if the operator plans to continue renting the short-term rental unit. It is a violation of this ordinance to continue operating a short-term rental unit after the permit has expired; provided, however, that if no complaints have been submitted to the Borough or are pending in regard to the short-term rental unit, the permit holder may continue to operate the short-term rental unit for a thirty (30) day grace period following its expiration to allow for submission of a renewal application.

(b) *Renewal application.* An application for renewal of a short-term rental permit must include:

(i) All of the same information required for an application for a new permit under Section 1.02, provided that no floor plan, site plan, or photographs are required if the permit holder affirms that no changes have been made or are proposed to be made to the short-term rental unit or the property containing the short-term rental unit;

(ii) Updated proof of liability insurance, consistent with the requirements of Section 1.03;

(iii) Proof that all other licenses, permits, registrations, and approvals required by any government entity to lawfully engage in the business of short-term rentals are current;

(iv) Proof that real estate taxes and all applicable local taxes and fee payments for the operation of the short-term rental unit are current; and

(v) Payment of a renewal application fee in the amount of One Hundred (\$100.00) Dollars plus an inspection fee of One Hundred (\$100.00) Dollars if an inspection is required pursuant to this Ordinance.

(c) *Floor plan and site plan revisions.* A revised floor plan must be submitted if any changes have been made or are proposed to be made to the area included as part of the short-term rental unit. A revised site plan must be submitted if the previous site plan no longer accurately depicts the property or there are proposed changes to the property as depicted in the previously approved site plan. Floor plan and site plan revisions are subject to the following provisions:

(i) Renewal of the short-term rental permit is contingent upon approval of the revisions by the Borough Manager or Code Enforcement Officer. If the Borough Manager or Code Enforcement Officer denies approval of the revisions, the permit holder may submit a revised renewal application without the revisions.

(ii) If the Borough Manager or Code Enforcement Officer determines that the revisions warrant notification to nearby property owners and occupants, the Borough Manager or Code Enforcement Officer may require the permit holder to provide such notification, consistent with the notification requirements applicable to new permit applications under Section 1.03.

(iii) The Borough Manager or Code Enforcement Officer may impose special conditions in conjunction with approval of the revisions, consistent with the Borough Manager or Code Enforcement Officer's authority under Section 1.05.

(iv) Pursuant to the procedures established under Section 1.06, the permit holder or any other party aggrieved by the Borough Manager or Code Enforcement Officer's decision under this section may appeal the decision to

the Sewickley Borough Council. On consideration of the appeal, the Sewickley Borough Council may:

(A) Affirm or reverse the Borough Manager or Code Enforcement Officer's decision to approve or deny approval of the revisions;

(B) Impose special conditions on the approval of revisions that were previously denied by the Borough Manager or Code Enforcement Officer, consistent with the types of special conditions that may be imposed by the Borough Manager or Code Enforcement Officer; and

(C) Remove or revise any special conditions imposed by the Borough Manager or Code Enforcement Officer in conjunction with the Borough Manager or Code Enforcement Officer's approval of the revisions.

(i) *Inspection required for renewal at least once every three (3) years.* As a condition of renewal of a short-term rental permit, the applicant must schedule a new inspection with the Borough Manager or Code Enforcement Officer at least once every three (3) years to verify that:

(A) The property complies with all applicable building and fire codes; and

(B) The most recently approved floor plan and site plan accurately reflect the property.

(C) Nothing shall restrict the Borough from conducting inspections more frequently as determined in the discretion of the Borough Manager or Code Enforcement Officer.

(d) *Failure to pass inspection.* If the short-term rental unit fails to pass the inspection, the applicant may request a re-inspection, provided:

(i) The re-inspection request is submitted within sixty (60) days of the first inspection and an additional inspection fee of One Hundred (\$100.00) Dollars is submitted to the Borough;

(ii) The Borough Manager or Code Enforcement Officer may, at its discretion, suspend the short-term rental permit and order that no short-term rental use take place at the premises unless the unit passes re-inspection; and

(iii) The application will be voided and the permit will not be renewed if the proposed short-term rental unit fails to pass re-inspection.

**Section 1.09 Violations and penalties.**

(a) Any person violating any of the provisions of this ordinance shall be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than Six Hundred (\$600.00) Dollars plus costs and, in default of payment of said fine and costs, to a

term of imprisonment not to exceed 30 days. Each and every day that a violation persists under the terms of this ordinance shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

(b) Permits may be revoked at the discretion of the Borough Manager or Code Enforcement Officer upon conviction of any persons for three or more property maintenance violations in any twelve (12) month period, for any single violation or combination of violations that reasonably constitute a nuisance, for failure to adhere to the terms of the short-term rental permit, for violation of the terms of this ordinance, or for any other reasonably justifiable cause as determined by the Borough Manager or Code Enforcement Officer to be in the best interest of the health, safety, and welfare of the community. Revocations of permits shall be appealable pursuant to the procedures set forth in Section 1.06 in the same manner as provided for the appeal of the denial of permits.

**Section 1.10 Repealer and Amendment.**

Any previous ordinances or portions thereof which are inconsistent with the terms and provisions of this ordinance are hereby repealed only insofar as they are inconsistent herewith. The fees set forth herein may be amended from time to time by resolution of the Sewickley Borough Council.

**Section 1.11 Severability.**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Sewickley Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 1.12 Effective date.**

That this ordinance shall take effect immediately upon enactment as provided by law.

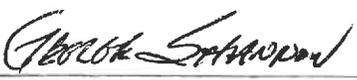
ORDAINED AND ENACTED into law this 13th day of SEPTEMBER, 2022.

ATTEST:

THE BOROUGH OF SEWICKLEY

  
Donna Kaib, Borough Manager

By:   
Cynthia Mullins, President of Council

By:   
George Shannon, Mayor