

Chapter 80
RENTAL PROPERTY

ARTICLE I
Short-Term Rentals

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| <p>§ 80-1. Short title.</p> <p>§ 80-2. Findings; purpose.</p> <p>§ 80-3. Statutory authority.</p> <p>§ 80-4. Applicability.</p> <p>§ 80-5. Owner responsibility.</p> <p>§ 80-6. Nuisance declared.</p> <p>§ 80-7. Definitions.</p> <p>§ 80-8. Short-term rental permit requirements.</p> <p>§ 80-9. Local contact person.</p> <p>§ 80-10. Application information required for short-term rental permit.</p> | <p>§ 80-11. Application and renewal fees.</p> <p>§ 80-12. Operational standards and conditions.</p> <p>§ 80-13. Enforcement officers.</p> <p>§ 80-14. Inspections and access.</p> <p>§ 80-15. Marketing.</p> <p>§ 80-16. Action on complaints of violations in progress.</p> <p>§ 80-17. Notice to violators.</p> <p>§ 80-18. Violations, penalties and costs.</p> <p>§ 80-19. Appeals.</p> <p>§ 80-20. Severability.</p> <p>§ 80-21. Repealer.</p> <p>§ 80-22. Effective date.</p> |
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[HISTORY: Adopted by the Board of Supervisors of the Township of Salem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Short-Term Rentals
[Adopted 3-29-2023 by Ord. No. 81-2023]

§ 80-1. Short title.

This article shall be known and may be cited as the "Salem Township Short-Term Rental Ordinance."

§ 80-2. Findings; purpose.

The Board of Supervisors of Salem Township, Wayne County, Pennsylvania, have a duty to provide for the health, safety and general welfare of its citizens within the Township, and to protect all property owners, residents and visiting persons from the detrimental effects of unregulated short-term rentals in the Township. The Board finds and declares its findings and purpose in enacting this article as follows:

- A. Short-term rentals of dwellings and structures within the Township have become a significant segment of the local tourism economy.

1. Editor's Note: This ordinance also superseded former Art. I, Short-Term Rentals, adopted 10-11-2022.

- B. Short-term rentals provide a community benefit by expanding the lodging facilities available within the Township, while assisting owners of short-term rental properties by providing revenue which may be used for maintenance and upkeep of the structures, as well as providing income to said individuals.
- C. The Board of Supervisors have received numerous complaints regarding excessive noise and trespass disturbances experienced by neighboring property owners. The Township Sewer Enforcement Officer has concerns regarding the on-site septic system capabilities, and the effect of failing septic systems upon groundwater and surface water entering streams, lakes and rivers from untreated sewage effluent being emitted from overcharged systems. The Board of Supervisors have concerns about issues of ingress and egress within the lodging facilities, as well as overcrowding within said facilities, and lack of smoke alarms and carbon emission detectors.
- D. Occupants of short-term rentals are generally transitory in nature, and the number and extent of said short-term rentals are not known to the officials of the Township.
- E. An article to regulate short-term rentals is necessary to assure that all units meet fire and safety codes, including means of egress and ingress, and alarms for fire and carbon monoxide, all of which is to assure the safety of all occupants.
- F. The provisions of this article are intended to address all of the above concerns and to assure all occupants that the short-term rental units are safe to occupy, that the rental units comply with on-site sewage requirements, and to promote short-term lodging accommodations which benefit all residents, homeowners, and visitors.

§ 80-3. Statutory authority.

Pursuant to the general powers as enacted and ordained by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103 No. 69) reenacted and amended July 10, 1947 (P.L. 1481 No. 567) as amended,² and the specific authority granted by Section 1506, General Powers,³ Section 1517, Building and Housing Regulations,⁴ Section 1527, Public Safety,⁵ and Section 1529, Nuisances,⁶ the Board of Supervisors for Salem Township, Wayne County, Pennsylvania hereby enacted this article.

§ 80-4. Applicability.

The provisions of this article shall apply to all short-term rentals which shall be defined as follows: Any dwelling unit within a residential building, structure or dwelling which is rented for overnight lodging for a period of not less than one day and not more than 29 days. The statutory meaning of this article is set forth hereinafter under "Definitions."

2. Editor's Note: See 53 P.S. § 65101 et seq.

3. Editor's Note: See 53 P.S. § 66506.

4. Editor's Note: See 53 P.S. § 66517.

5. Editor's Note: See 53 P.S. § 66527.

6. Editor's Note: See 53 P.S. § 66529.

7. Editor's Note: See § 80-7.

§ 80-5. Owner responsibility.

The owner of the short-term rental unit shall be the party or entity responsible for compliance with the provisions of this article, and the failure of any agent, managing agency, subagent referring agency or local contact person shall be deemed noncompliance by the record owner.

§ 80-6. Nuisance declared.

Any violation of any provisions of this article shall be declared to be a public nuisance for which the owner shall be subject to such violations as more specifically enumerated within this article.

§ 80-7. Definitions.

The words and phrases used in this article shall have the following meanings:

BEDROOM — A room or space containing a minimum of 80 square feet, designed to be used with sleeping purposes with two means of egress (one of which may be a window acceptable under the applicable building code). Spaces for eating, cooking, bathrooms, toilet rooms, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use such as a living room, den, and sitting room or similar is not to be considered a bedroom.

DISORDERLY CONDUCT — Any act that constitutes a violation of 18 Pa.C.S.A. § 5503, or amendments thereof.

DWELLING — A structure or portion thereof which is used primarily for human habitation.

DWELLING UNIT — One or more rooms in a residential dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for long-term residency by not more than one family at a time. For purposes of this article, a multiresidential dwelling unit shall be deemed a residential structure with separate dwelling units.

LOCAL CONTACT PERSON — A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this article. The Township must be notified, in writing, within seven days if there is a change in the identity of the local contact person.

OWNER — The person or entity that holds legal or equitable title to the dwelling.

RENT — The consideration received by a vendor in money, credits, property, or other consideration valued in money for lodging, including electronic currency.

SHORT-TERM RENTAL — Any dwelling unit within a residential structure rented for overnight lodging for a period of not less than one day and not more than 29 days.

§ 80-8. Short-term rental permit requirements.

The owner shall be responsible for obtain all permits and permit renewals.

- A. Permit required. A short-term rental permit shall be required when any dwelling unit in a single-family dwelling or a two-family/multifamily dwelling is advertised for rent or is rented for a period of less than 29 consecutive calendar days.
- B. Permit renewal. A permit shall be renewed annually and at any time when any of the conditions of the rental which are governed by this article are changed.
- C. Separate permits. A separate permit is required for each short-term rental; for two-family or multifamily dwellings, a separate permit shall be required for each dwelling unit being rented pursuant to the definition of "short-term rental."
- D. Issuance to owner. The permit shall be issued only to the owner of the short-term rental.
- E. Forms and procedures. The enforcement officer is authorized to prescribe forms and procedures for the processing of permits under this article.
- F. Inspection authorization. The owner, by making application for a permit and/or accepting issuance of a permit grants permission for all inspections authorized by § 80-14. Any inspections performed by any person acting on behalf of the Township shall be confined to only those operating requirements set forth in this article, and shall be limited to only those time frames set forth within this article.
- G. Permit not transferrable.
 - (1) The permit issued to an owner pursuant to this article is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, change in ownership of the entity owning the property, sheriff sale or court order, the new owner must apply for a permit under the provisions of this article prior to renting the property, but shall be entitled to get a permit provided such new owner complies with the terms of this article.
 - (2) If an owner has been convicted of a violation of this article (hereinafter the "violating owner"), or if a violating owner's permit has been revoked by the Township, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such owner's family members, then that new owner shall be subject to the violations and penalties and/or revocation imposed upon the "violating owner."

§ 80-9. Local contact person.

Each owner of a short-term rental shall designate a local person, property manager or agent, as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner of a short-term rental who resides within 30 miles of the short-term rental may designate himself as the local contact person. The local contact person shall respond to the enforcement officer within one hour after being notified by the enforcement officer or other Township official of the existence of a violation of this article or

any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation.

§ 80-10. Application information required for short-term rental permit.

- A. Application required; information. An application for a permit shall be filled with the designated Township official before use of the property as a short-term rental. The application shall contain the following information:
- (1) The name, address, telephone number and email address of the owner of the short-term rental for which the permit is issued. If the owner does not have a managing agency, agent or local contact person, then owner shall provide a twenty-four-hour telephone number.
 - (2) The name, address and twenty-four-hour telephone number of the short-term rental owner's managing agency, agent or local person.
 - (3) A photograph of the short-term rental taken from the primary entrance.
 - (4) Proof of ownership of the short-term rental dwelling by providing copies of deed, tax bills or title insurance policy.
 - (5) The number of bedrooms (each containing the required minimum of 80 square feet) and the maximum number of overnight occupants.
 - (6) If the building is more than a single family structure, the number of dwelling units and the number of dwelling units being used as a vacation rental.
 - (7) The number of on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
 - (8) The location, approximate age and capacity (if known) of the sewage disposal system.
 - (9) Acknowledgment that the owner, agent, and/or local contact person have read all regulations pertaining to the operation of the short-term rental.
 - (10) Acknowledgment that the owner, agent or local contact person will post and maintain the 911 emergency number within the unit.
 - (11) A copy of a current Wayne County hotel room excise tax certificate and current Pennsylvania Sales Tax License, as secured by either the owner of short-term rental dwelling or the rental agent acting on behalf of the owner of said short-term rental dwelling.
 - (12) The owner shall maintain at least \$500,000 in general liability insurance on the short-term rental property for the full duration of the license term and provide proof to the Township upon request.

§ 80-11. Application and renewal fees.

- A. Application fee. An application for a short-term rental permit shall be accompanied by an initial fee established by resolution of the Board of Supervisors.
- B. Inspection fee. If the information supplied by the property owner or agent on the application for a short-term rental permit is not consistent with the Township records, and/or county records, an inspection may be required prior to or after the issuance of the short-term rental permit. An inspection fee established by resolution of the Township shall be charged for any inspection required under this article.
- C. Renewal fee. An annual renewal fee shall be established by resolution of the Board of Supervisors which permit holders shall pay when renewing their permit issued pursuant to this article. Failure to pay the renewal fee by February 15 will result in the assessment of a fee twice the amount of the normal renewal fee. If the fee is not paid by May 1, the permit shall be null and void and application for a new permit, not a renewal, shall be required.

§ 80-12. Operational standards and conditions.

All permits issued pursuant to this article are subject to the following standards:

- A. The owner shall, by written agreement, limit overnight occupancy of the short-term rental to the specific number of occupants designated within the permit. The number of overnight occupants shall be dependent upon whether the dwelling is served by an on-site septic system or a public sewage system:
 - (1) Where a short-term dwelling unit being served by a public sewage system, the number of overnight occupants shall not exceed two per bedroom plus three persons or a maximum of 15 persons, whichever is less.
 - (2) Where a short-term dwelling unit is served by an on-site septic system other than a public sewage, the number of bedrooms permitted shall not exceed the number of bedrooms approved for the dwelling on the sewage permit issued for such property, and the owner shall by written agreement limit overnight occupancy of the short-term rental to the specific number of occupants designated in the permit, with the number of overnight occupants not to exceed two persons per bedroom, plus three persons or a maximum of 15 persons, whichever is less.
 - (3) If the short-term rental dwelling is served by a septic system other than public sewage and there is no permit on record, the short-term rental for such a dwelling shall be limited to the number of bedrooms that have been historically maintained in the dwelling based upon the county tax assessment records for said property. Should there be no tax assessment records documenting the number of bedrooms historically maintained in the dwelling, the number of bedrooms shall be limited to three and a dye test may be required by the Township Sewage Enforcement Officer to confirm that the on-site system is functioning in accordance with applicable regulations. If it is determined that the on-site system is functioning, the number of overnight occupants shall not exceed two persons per bedroom, plus three persons or a maximum of 15 persons, whichever is less.

- B. The maximum number of day guests allowed at any one time shall be 75% of the maximum overnight occupancy of the short-term rental.
- C. If the short-term rental is served by an on-site septic system other than public sewage, the number of existing bedrooms shall not be increased without proper permitting from the Township and the Pennsylvania Department of Environmental Protection, and such regulations in effect at such time.
- D. In the event that a short-term rental has a sewage system malfunction which requires repairs in accordance with the Pennsylvania Department of Environmental Protection regulations, the short-term rental shall be discontinued and remain suspended until the malfunction is corrected and verified by the Township Sewage Enforcement Officer to be properly functioning.
- E. The short-term rental shall also have at least one other habitable room containing a minimum of 120 square feet. In the event that the dwelling unit does not have partitioned rooms, other than a bathroom, then the dwelling unit shall be deemed a one-bedroom unit. The number of occupants of said unit shall be determined in accordance with Subsection A standards.
- F. The owner shall provide sufficient off-street parking to accommodate the overnight occupants and day guests so as to avoid the parking of vehicles in any public highway or development roadway. The parking of vehicles within a highway or roadway travelway hinders or otherwise precludes vehicle traffic, including emergency vehicles such as ambulances and fire trucks.
- G. The owner shall use best efforts to assure that the occupants or guests of the short-term rental do not engage in disorderly conduct by relaying through the local contact person such recent noise and/or disturbance complaints. It is not intended that the owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm's way.
- H. 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 feet of water source;
 - (5) Aluminum or metal exhaust from dryer;
 - (6) Carbon monoxide detector;
 - (7) First extinguisher in kitchen and on each floor;
 - (8) Indoor and outdoor stairs in good condition with railings;
 - (9) Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in Appendix G of the 2009 International Residential Code.

- I. The owner of the short-term rental shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the short-term rental.
- J. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - (1) The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis.
 - (2) The maximum number of occupants permitted to stay in the unit and the maximum number of day guests permitted at any one time.

§ 80-13. Enforcement officers.

- A. Appointment. The Board of Supervisors may appoint one or more enforcement officers, who may be an individual, firm or agency of Salem Township, or enter into a third-party contract, to conduct inspections, make reports and administer other parts of this article as determined by the Board of Supervisors.
- B. Duties. The administrative, inspection and enforcement responsibilities established by this article may be delegated to a third-party agency.
- C. Consultation. The enforcement officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

§ 80-14. Inspections and access.

- A. Inspection. Pursuant to permission granted through the permit application, all places and premises in Salem Township shall be subject to inspection by the enforcement officer to verify the accuracy of the application and to assure compliance with the operating requirements of this article.
- B. Interference. It shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to any place or premises upon which a violation of this article is believed to exist.

§ 80-15. Marketing.

The marketing of a short-term rental which exceeds the maximum occupancy requirements permitted by this article or which promotes any other activity which is prohibited by this article shall be a violation of this article subject to the penalties and costs set forth in this article. The owner or local contact person shall provide to the enforcement officer a copy of all advertisements relating to the short-term rental.

§ 80-16. Action on complaints of violations in progress.

Upon receipt of a verbal complaint of a violation in progress, the enforcement officer shall immediately notify the owner and/or the local contact person of the complaint. If the enforcement officer believes a crime to be in progress, he/she shall immediately notify the appropriate police department. The enforcement officer shall have no obligation to respond to any violation in progress at the property in question, unless the Township has appointed a police officer or police department to act as the enforcement officer for this article.

§ 80-17. Notice to violators.

- A. Service of notice. Whenever the enforcement officer determines that a violation of this article exists, the enforcement officer shall prepare a written notice of violation, to be served on the owner and/or occupant(s) of the premises on which the nuisance is located or originates. The written notice of violation shall be served on the owner and local contact person within five days of the determination of the violation by one or more of the following methods:
- (1) Personal delivery.
 - (2) Fixing a copy to the door of the building on the premises of the violation.
 - (3) Certified mail to the owner/local contact person addresses on the permit.
 - (4) Publishing in the Salem Township's official newspaper once each week for two consecutive weeks.
- B. Content of notice.
- (1) The notice shall enumerate the conditions which constitute the violation and what action is required to abate the violation.
 - (2) The notice shall include a time frame for the abatement of the nuisance, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action but not more than 10 days. In the case of an advertising violation the time period shall not exceed five days. In the case of a public disturbance or in other cases as determined by the enforcement officer immediate action shall be required.

§ 80-18. Violations, penalties and costs.

- A. Compliance. Failure to comply with any provision of this article, and/or failure to abate an activity, use and/or condition, shall be deemed a violation of this article and subject to the following penalties:
- (1) First violation: warning. A written warning from the enforcement officer of noncompliance. The written warning shall specifically set forth the nature of the violation, with the location, date and events constituting a violation of the provisions of this article.

- (2) Subsequent violations. A written notification from the enforcement officer of a subsequent violation at same location during the yearly permit period shall constitute a violation which shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not more than \$1,000 per day of violation, together with the costs of suit, including, but not limited to, reasonable attorney fees, constable fees and staff time. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorneys fees collected for the violation of this article shall be paid over to the Township.
- B. Other remedies. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. The Township shall also have the right to seek injunctive relief for violations of this article.
- C. License revocation. If an owner commits two violations which result in convictions under Subsection A(2) as written above, then the license shall be revoked by the Township and the short-term rental must be discontinued while the license is revoked. The revocation shall be for one year. The conviction for a third violation under Subsection A(2) as written above shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act⁸ and applicable regulations may result in immediate license revocation until the violation is corrected. (See also § 80-8G for license transfers.)
- D. Reinstatement. The Board of Supervisors may in its sole discretion approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this article have been met.
- E. Owners severally responsible. If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for a violation of this article.

§ 80-19. Appeals.

- A. Appeal process. Appeals of a determination of the enforcement officer under this article to deny any application for, or to renew, a short-term rental license, or to revoke a short-term rental license, shall be filed with the Board of Supervisors within 30 days of the date of the denial of an application or revocation of a license. Appeals shall be processed as follows:
 - (1) All appeals shall be in writing and signed by the appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by resolution of the Township Board of Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.

8. Editor's Note: See 35 P.S. § 750.1 et seq.

- (2) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.

B. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 3, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law," and in accord with the following requirements:

- (1) Written notice shall be given to the appellant, the enforcement officer, and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than 15 days' prior to the hearing.
- (2) The hearing shall be held within 60 days from the date the appeal is filed unless the appellant has agreed, in writing, to an extension of time.
- (3) The hearings shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings, shall be in writing by the Board of Supervisors within 45 days after the conclusion of the hearing, unless the appellant has agreed, in writing, to an extension of time, and shall be communicated to the appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States first-class mail postage prepaid.
- (4) The chairman or acting chairman of the Board of Supervisors or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
- (8) The Board of Supervisors shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advise from their solicitor, unless the parties are afforded an opportunity to contest the

9. Editor's Note: See 2 Pa.C.S.A. §§ 551 et seq. and 751 et seq.

material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

§ 80-20. Severability.

Should any section, subsection, clause, provision, or other portion of this article be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this article; the Board of Supervisors having adopted this article as if such invalid portions had not been included therein.

§ 80-21. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§ 80-22. Effective date.

This article shall become effective on March 29, 2023. The owner of the short-term rental shall have 60 days from the effective date of this article to comply with its provisions.