

**HOME RULE BOROUGH OF EDINBORO ORDINANCE
NO. 627**

AN ORDINANCE AMENDING SUBPART I, ENTITLED “REGULATED RENTALS”, OF PART 2 “PROPERTY MAINTENANCE CODE” OF CHAPTER 5 OF THE EDINBORO BOROUGH CODE, ENTITLED “CODE ENFORCEMENT”; TO REVISE THE SCOPE TO INCLUDE SHORT TERM RENTAL UNITS; EXPAND AND REVISE DEFINITIONS; EXPAND AND REVISE OWNER’S DUTIES; EXPAND AND REVISE RENTAL LICENSES AND INSPECTION TO INCLUDE SHORT-TERM RENTAL OPERATIONAL STANDARDS AND CONDITIONS; EXPAND AND REVISE GROUNDS FOR NON-RENEWAL/REVOCAION OF LICENSE; EXPAND GROUNDS FOR VIOLATIONS AND PENALTIES; AND AMEND MISCELLANEOUS PROVISIONS; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE

WHEREAS, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified its Ordinances to create the “Edinboro Borough Code”, which created Subpart I, entitled “Regulated Rentals”. Subpart I was amended by Ordinance 598, dated April 13, 2015, Ordinance 613 dated January 7, 2019 and Ordinance 621 dated August 9, 2021; and

WHEREAS, the Borough has the power and duty to enact ordinances that promote the health, safety and general welfare of the residents and visitors of the Borough, including regulation of rental units, whether residential rental units or short-term rental units; and

WHEREAS, the Edinboro Borough Council has determined that it would be in the best interest of the residents and citizens of the Borough of Edinboro to make certain changes to Subpart I, Regulated Rental, of the Edinboro Borough Code to address the growing number of short-term rental units as more fully described below.

NOW THEREFORE, the Edinboro Borough Council hereby ordains and enacts the following:

Section 1. Recitals. That the above recitals are incorporated as if more fully set forth herein.

Section 2. Amendment to § 5-247 of Subpart I. That § 5-247, entitled “Residential Regulated Rental Units” of Subpart I of Part 2 “Property Maintenance Code” of Chapter 5 of the Edinboro Borough Code is amended through the deletion of terms struck out and the addition of new underlined terms as follows:

§ 5-247 Residential ~~Regulated~~ Rental Units and Short-Term Rental Units.

1. Purpose/Scope/Declaration of Policy and Findings.
 - A. **General.** It is the further purpose of this Subpart and the policy of the Council of the Home Rule Borough of Edinboro, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units

in the Home Rule Borough of Edinboro and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Subpart provides for a system of inspections; issuance and renewal of rental licenses; and sets penalties for violations. This Subpart shall be liberally construed and applied to promote its purposes and policies.

B. In considering the adoption of this Subpart, the Council of the Home Rule Borough of Edinboro makes the following findings regarding Residential Rental Units:

1. There is a greater incidence of violations of various codes of the Borough at residential properties where owners do not reside in the Borough and rent such property to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
2. There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the Borough and rent such property to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
3. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.

C. In considering the adoption of this Subpart, the Council of the Home Rule Borough of Edinboro makes the following findings regarding Short-Term Rental Units:

1. Short-term rentals are a growing use within the Borough.
2. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades and deferred costs.
3. While it has been the experience that most of the short-term rentals operate without a problem, the transient nature of the short-term rentals have been known to lend themselves to having occupants engaging in excessive noise, parking, litter, and creating concerns regarding security, public safety, and trespass.

4. The transitory nature of occupants of a short-term rental makes enforcement against the occupants difficult and therefore the unit owner must be the responsible party.
5. The provisions of this Ordinance are necessary to prevent burden on Borough and community services and negative impacts on residential neighborhoods posed by short-term rentals.
6. Compliance with the provisions of this Ordinance will maintain the residential qualities and characteristics of our neighborhoods that attract residents, homeowners and visitors.

Section 3. Amendment to § 5-248 of Subpart I. That § 5-248 entitled “Definitions” of Subpart I of Part 2 “Property Maintenance Code” of Chapter 5 of the Edinboro Borough Code is amended through the deletion of terms struck out and the addition of terms underlined as indicated below, with the newly included terms placed within the proper alphabetical order within the section:

BEDROOM - A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. Space used primarily for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or other utility rooms and similar uses are not considered Bedrooms. Space used or intended primarily for general and informal everyday use such as a living room, den, and sitting room or similar uses are not considered Bedrooms. In the case of a studio living unit which is made of one room in total, excluding a bathroom, it will be treated as one bedroom.

DWELLING – ~~A building having one or more dwelling units.~~ A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include “hotel,” “motel” or “tourist home.” A dwelling may be a rooming/board house also, if so permitted by zoning district regulations.

REGULATED RENTAL UNIT - A dwelling unit or rooming unit leased or rented to a person or persons as either a Residential Rental Unit or a Short-Term Rental Unit.

RENT – The consideration received by an owner and/or renter in money, credits, property or other consideration valued in money, or exchange in kind of any type, for lodging.

RESIDENTIAL RENTAL UNIT – a dwelling unit which is rented by the Owner to a tenant or tenants for a period of time which is in excess of thirty (30) consecutive days.

RESPONSIBLE LOCAL AGENT - An adult individual designated by the owner of a regulated rental unit under § 5-293 ~~249~~, Subsection 2. The responsible local agent shall be the agent of the owner for service of due process and receiving notices or demands and to perform the obligations of the owner under this Subpart and/or under rental agreements with occupants.

SHORT-TERM RENTAL - An establishment in which the Owner rents any area of the establishment to one, or more, individuals for compensation, rent, or fee, including offer or exchange in kind, of any type, whether or not involving overnight accommodations or separate sleeping quarters, for a period of time which is primarily less than thirty (30) consecutive days.

The term shall not include a hotel, motel, bed-and-breakfast, inn, boarding or rooming house, group home, or regulated rental unit (as defined by section 415 of the Borough Zoning Ordinance), when the property owner or representative is present on-site at the property on a twenty-four hour per day basis, or in an owner occupied single-family dwelling which rents sleeping rooms to no more than two non-related individuals.

TRANSIENT USE - Occupancy, use or possession of a dwelling by a person or persons primarily for a period of less than 30 consecutive days, other than the owner(s) of the dwelling or tenant(s) of the dwelling with a lease for 30 consecutive days or more, and/or the family of such owner(s) or tenant(s); and further excluding temporary stays by unrelated individuals that are guests of the owner or tenant of the dwelling without the payment of any type of rent, compensation or other remuneration.

Section 4. Amendment to § 5-249 of Subpart I. That § 5-249 entitled “Owner’s Duties” of Subpart I of Part 2 “Property Maintenance Code” of Chapter 5 of the Edinboro Borough Code is amended through the deletion of terms struck out and the addition of underlined terms as follows:

§ 5-249 Owner’s Duties.

1. General.

A. **Regulated Rental Units.** It shall be the duty of every owner to keep and maintain all regulated rental units and premises in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition. As provided for in this Subpart and code, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns.

B. **Short-Term Rental Units.** The owner of the property at which a short-term rental is located shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agent, managing agency, contact person, or renting occupants to comply with the provisions of this Ordinance, including the monitoring and control of the number of occupants and visitors, shall be deemed noncompliance by the owner and subject the owner to enforcement proceedings and the penalties contained herein

C. This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conductor activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant’s conduct or activity.

~~C. D.~~ This Subpart is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupants, or guest thereof.

2. Designation of Responsible Local Agent. Every owner shall designate a responsible local agent who shall reside either on the premises or within ~~five miles~~ one (1) hour of the Borough boundary. The responsible local agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Subpart and under rental agreements with tenants. The identity, address and telephone number(s) of the designated responsible local agent hereunder shall be provided by owner or responsible local agent to the Borough, and such information shall be kept current and updated as it changes. Naming a responsible agent is also required if an owner plans to be absent for periods of time longer than 15 days. The owner or responsible local agent shall disclose the name, address and telephone number of the responsible local agent to the tenant in writing on or before the commencement or renewal of the tenancy. The responsible local agent shall respond to their short-term rental within one (1) hour following notification to address any issues or violations which are not capable of being addressed with the occupant via the telephone. An owner may designate him/herself as the responsible local agent. In the event that the responsible local agent is notified of any violations of this Subpart, the responsible local agent is required to provide notice of such violation to the owner immediately.

3. Application for Residential Rental Property Housing License/ Regulated Rental Short-Term Rental License. At the time of annual renewal for residential rental property licenses (formerly known as occupancy permits) and Short-Term Rental licenses, which is set on or before December 31 of each year, the owner shall complete and sign the application form; prepared by or at the direction of the Code Enforcement Officer, and shall require the owner to provide that information required by section 251 of this Subpart.

- ~~A. The names and addresses of the owner and the responsible local agent, if applicable.~~
- ~~B. The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).~~
- ~~C. A list of the names of all adult tenants or heads of family in each unit.~~
- ~~D. The actual number of tenants and the maximum number of tenants permitted per regular rental unit.~~
- ~~E. The number of smoke detectors per unit.~~
- ~~F. Fire extinguisher availability.~~
- ~~G. His/her signature attesting to the owner's compliance with the specified Borough Ordinances, including Subsection 4 of this section, that tenants have received the tenant information form~~

4. Tenant Information Form. This brief summary of ordinances that apply (or may apply) to the tenants of regulated rental units, shall be provided by the Borough Code Enforcement Office to the owners, who shall check any additional sections which apply

to that unit, and give them to the Tenants of each unit, with appropriate explanations. For short-term rentals, the Tenant Information Form shall be posted conspicuously within the unit. In addition to that other information required by the Borough Code Enforcement Office, the Tenant Information Form shall contain, at a minimum, and as may be applicable:

1. The name of the contact person and a telephone number at which that party may be reached on a 24-hour basis.
2. The maximum number of occupants permitted to stay in the short-term rental dwelling.
3. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
4. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
5. Notice that trash and refuse shall not be left or stored on the exterior of the short-term rental (unless complying with Borough curbside trash collection rules and requirements); and, directions for the proper disposal of trash and refuse.
6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance; and
7. Notification that failure to conform to the parking and occupancy requirements for the short-term rental is a violation of this Ordinance subject to a citation and fines.

5. Maintenance of Premises. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance of mechanical equipment, and shall promptly make any and all repairs necessary to fulfill this obligation. The owner shall maintain the premises with regard to lawn mowing and ice and snow removal, if applicable. The owner shall reply promptly to reasonable complaints and inquiries from tenants. Any dwelling which is subject to an outstanding code violation shall not be eligible for a short-term rental license until such time as the violation is corrected in a manner acceptable to the Borough Code Enforcement Official.

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8. **Utility Services.**

A. In circumstances where ~~due to state or local law~~ the owner is the financially responsible party for payment of utility services, it shall be the duty of the owner to assure that service is not interrupted due to nonpayment. Failure to comply with this provision is a violation of the Subpart.

~~B. Example.~~

~~(1) Utility service~~

~~(2) Apartments utilities in landlord name~~

9. **Residential Rental Unit Notification of Parking Availability.** In addition to the required notification within the Tenant Information Form, The owners of residential rental units shall provide tenants with written notice of the amount of available parking spots on the property, alternative parking availability, and any on street parking restrictions for those streets upon which the property has frontage, including, but not limited to, seasonal parking restrictions as adopted by the Borough.

Section 5. Amendment to § 5-251 of Subpart I. That § 5-251 entitled “Rental Licenses and Inspection” of Subpart I of Part 2 “Property Maintenance Code” of Chapter 5 of the Edinboro Borough Code is amended through the deletion of terms struck out and the addition of terms underlined as follows:

§ 5-251 Rental Licenses and Inspection and Short-Term Rental Operational Standards and Conditions.

1. License Requirement.

A. All residential occupancies which are rented, leased or occupied by persons other than legal owner are required to obtain a regulated residential rental license or a short-term rental license, as appropriate, prior to tenant occupancy.

1. A dwelling unit approved as a short-term rental may be let as a residential rental unit.

2. A dwelling unit approved as a residential rental unit may not be let as a short-term rental unit.

B. The following occupancies of a dwelling unit which are primarily more than thirty (30) consecutive days require a regulated residential rental license:

1. Dwelling units or sleeping units of single-family, two-family or multi-family structures.

2. Bed and breakfast occupancies as defined by the Borough Zoning Ordinance [Chapter 27].
3. Hotels and motels.
4. Privately owned dormitory occupancies on the campus of ~~Edinboro~~ Pennsylvania Western University.
5. Off campus fraternity and sorority houses.
6. Exception. Owner occupied single-family dwellings which rent sleeping rooms to no more than two non-related individuals.

C. Short-Term rental units require a short-term rental license prior to permitting tenant occupancy.

D. The application for a license shall be made in writing in such form and manner, and in accordance with such instructions as may be determined by the Code Enforcement Officer, shall be signed by the owner and shall include at least the following information:

1. The names and addresses of the owner and responsible local agent, if applicable. If the owner is the responsible local agent, the owner shall provide a 24-hour telephone number.
2. The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).
3. An acknowledgement that all designated bedrooms contain a minimum of 70 square feet.
4. The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight guests.
5. If the building is a townhouse, row house or apartment structure, the number of dwellings and the number of dwellings applying for licensure as a short-term rental.
6. For short-term rental applications, identification of the number and location of designated on-site parking spaces and the maximum number of occupants.
- 3- 7. For residential rental unit applications, A a list of the names of all adult tenants or heads of family in each unit.
- 4- 8. The actual number of tenants and the maximum number of tenants permitted per regulated rental unit.

- ~~5.~~ 9. The number of smoke detectors per unit.
- ~~6.~~ 10. Fire extinguisher availability.
- 11. His/her signature attesting to the owner's compliance with the specified Borough ordinances, including § 5-249, Subsection 4 of this Subpart and that tenants have received the tenant information form.
- 12. Acknowledgement that the owner or responsible local agent will post and maintain at the short-term rental the 911 emergency address sign in accordance with applicable requirements.
- 13. Other information as the Borough and/or enforcement officer deems reasonably necessary to administer this Ordinance.

E. A separate license is required for each short-term rental. For townhouses, rowhouses, apartments or other similar multi-unit properties, a separate license shall be required for each dwelling unit intended to be rented as a short-term rental.

~~C.~~ F. Upon request by the Borough, the owner shall inform the Borough of any changes in names of regulated rental unit tenants so revisions can be made to the license.

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4. Two-Family/Multi-Family Short-Term Rentals. No building shall be used as a short-term rental that has two or more dwellings unless said building has been approved by the Borough as a townhouse, rowhouse or apartment as defined in the Zoning Ordinance. If such approval has been granted by the Borough and one or more of the dwellings, but not necessarily all, are being rented as a short-term rental, then the requirements of this Ordinance shall apply to such dwelling or units being rented.

5. Short-Term Rental License Not Transferrable. Short-term rental licenses are 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 license under the provisions of this Subpart prior to renting the property as a short-term rental.

6. Short-Term Rental Operational Standards and Conditions.

A. Standards. All short-term rental licenses issued pursuant to this Ordinance are subject to the following standards:

(1) The owner shall, by written agreement, limit overnight occupancy of the short-term rental to the specific number of occupants designated in the license, with the number of overnight occupants not to exceed an average of two persons per bedroom (i.e. number of occupants/number of bedrooms = average). Children (12 years old or younger) shall not count towards the limit of overnight occupants.

(2) The owner shall maintain a log of tenants with corresponding rental dates that shall be made available to the Borough for inspection upon request.

(3) In no instance shall the existing number of bedrooms be increased without proper Borough approval being obtained.

(4) The owner shall, by written agreement, limit the number of all vehicles of overnight occupants to the number designated in the short-term rental license, with the number of all vehicles not to exceed the number of designated on-site parking spaces.

i. The number and location of all parking for overnight guests shall be designated in the license and shall be located on the owner's property and not in any private, community or public right-of-way.

ii. The minimum number of parking spaces is designated by the number of bedrooms, as shown below. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.

1 Bedroom – 1 Space

2 Bedrooms – 1 space

3 Bedrooms – 2 spaces

4 Bedrooms – 2 spaces

5 Bedrooms – 3 spaces

6 Bedrooms – 3 spaces

And 1 space per every bedroom thereafter

(5) Occupancy of recreational vehicles, camper trailers and tents shall not be allowed.

Section 6. Amendment to § 5-252 of Subpart I. That § 5-252 entitled “Grounds for Non-Renewal/Revocation of a License” of Subpart I of Part 2 “Property Maintenance Code” of the Edinboro Borough Code is amended through the deletion of the terms struck and through the addition of the terms underlined as follows:

§ 5-252 Grounds for Non-Renewal/Revocation of a License.

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C. ADDITIONAL GROUNDS FOR REVOCATION. If an owner is convicted of three (3) code violations or violations of this Subpart which occur in any rolling twelve (12) calendar month period, then the license shall be revoked by the Borough for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.

Section 7. Amendment to § 5-253 of Subpart I. That § 5-253 entitled “Grounds for Violations and Penalties” of Subpart I of Part 2 “Property Maintenance Code” of the Edinboro Borough Code is amended through the deletion of terms struck and through the addition of underlined terms as follows:

§ 5-253 Grounds for Violations and Penalties.

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3. False Reports. Any person who reports an alleged violation of this Ordinance to an Enforcement Officer knowing that it did not occur shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, together with costs, including reasonable attorney fees

Section 8. Amendment to § 5-256 of Subpart I. That § 5-256 entitled “Miscellaneous Provisions” of Subpart I of Part 2 “Property Maintenance Code” of the Edinboro Borough Code is amended through the deletion of terms struck and the addition of underlined terms as follows:

§ 5-256 Miscellaneous Provisions.

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2. Changes in Ownership, Units, Tenant Number. It shall be the duty of each owner of a regulated rental unit to notify the Code Enforcement Officer in writing of any change in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any ~~regulated~~ residential rental unit or of the changing of a dwelling unit from owner-occupied to non-owner-occupied, which thereby transforms the dwelling into a ~~regulated~~ residential rental unit for purposes of this Part.

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Section 9. Severability. The provisions of this ordinance are severable. 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 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 10. Repealer. Any ordinances, rules, or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby, repealed.

Section 11. Direction to Borough Manager. The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

Section 12. Effective Date. This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

ENACTED AND ORDAINED this 10th day of June, 2024 by the Council of the Borough of Edinboro.

ATTEST:

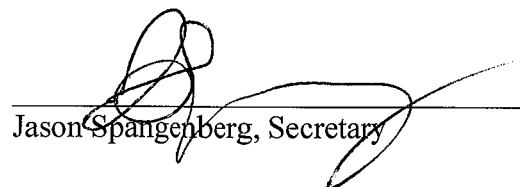


Manager Jason Spangenberg



Mayor Aaron Gast

I hereby certify that the above is a true copy of the Home Rule Borough of Edinboro No. 627 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on June 10, 2024, the same being advertised in the Meadville Tribune and recorded in the Borough Ordinance Book.



Jason Spangenberg, Secretary