

**TOWNSHIP OF HAMPTON  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 857**

**ORDINANCE OF THE TOWNSHIP OF HAMPTON  
AMENDING CHAPTER 310 OF ITS CODE OF  
ORDINANCES TO PROVIDE FOR THE REGULATION  
AND PERMITTING OF RESIDENTIAL SHORT-TERM  
RENTALS WITHIN THE TOWNSHIP.**

**WHEREAS**, the Township of Hampton has a Code of Ordinances regulating a number of establishments, such as hotels and motels, that provide lodging to overnight guests;

**WHEREAS**, the rental of residential property for short-term rental to overnight guests is not addressed in the Township's ordinances;

**WHEREAS**, allowing short-term rentals in some residential areas provides alternatives to hotel accommodations for visitors;

**WHEREAS**, short-term rentals help the Township of Hampton accommodate the many visitors who attend special events, such a high school graduation, the Community Day Celebration, etc.;

**WHEREAS**, many property owners who provide short-term rental accommodations are able to invest in home repairs, upgrades, and preservation projects that would otherwise be unaffordable;

**WHEREAS**, taxes and fees collected from short-term rentals provide a reliable source of revenue to the Township of Hampton;

**WHEREAS**, certain areas of the Township of Hampton are less compatible for short-term rental uses and the Township of Hampton wishes to designate only specific areas where the uses are to be allowed;

**WHEREAS**, where short-term rentals are allowed, they should be subject to reasonable regulations to address health and safety needs of guests and to prevent and abate nuisance conditions;

**WHEREAS**, adoption of these regulations is consistent with the Township of Hampton's comprehensive plan; and

**WHEREAS**, the Township of Hampton further finds that these regulations are needed to adequately protect the public health, safety, and welfare.

**NOW THEREFORE**, be it ordained by the Township of Hampton, Pennsylvania as follows:

**ARTICLE I**  
**SHORT-TERM RENTAL ACCOMMODATIONS**

**Section 1.01 Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person who submits an application to the Township of Hampton for a short-term rental permit pursuant to the requirements of this article.

*Dwelling unit* means a structure, or an area within a structure, designed or used as living quarters for a single family or the equivalent thereof.

*Guest* means any person who rents a short-term rental unit or occupies a short-term rental unit during a rental period.

*Host platform* means an internet website, a mobile application, or any other forum used to connect a short-term rental operator with guests and to facilitate the booking of a short-term rental unit. "Facilitate" means the act of allowing a guest to reserve a short-term rental unit through an internet website, a mobile application, or any other forum.

*Host platform provider or provider* means a third party that provides a host platform, as defined herein.

*Natural person* means an individual human being, as opposed to an organization of any form or a business entity.

*Operator* means a person who, with or without a short-term rental permit, rents or offers to rent a short-term rental unit to guests.

*Permitted* means that a short-term rental permit has been issued for a dwelling unit pursuant to the requirements of this article.

*Short-term rental* means 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.

*Short-term rental unit* means 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) Rooms or suites at hotels.
- (b) Accommodations at bed and breakfast establishments properly approved by the Township of Hampton.
- (c) Health care facilities licensed by the State.
- (d) A structure or any part of a structure not intended for human occupancy, including attic or basement space not designed for human occupancy.
- (e) A camper, tent, or vehicle, including a recreational vehicle.

*Zoning Officer* means the Township of Hampton's Zoning Officer or such other official, department, agent, or third-party so designated by the Township of Hampton that assumes the functions assigned in this article to the Zoning Officer.

**Section 1.02 Short-term rentals allowed in certain locations.**

The purpose of this ordinance is to permit short-term rental units as permitted accessory uses in the Residential A zoning districts, provided the property meets all requirements for short-term rental uses as established in this article and the operator has obtained a short-term rental permit. Short-term rentals are prohibited in all other zoning districts.

**ARTICLE II**

**SHORT-TERM RENTAL PERMITTING PROCESS**

**Section 2.01 Short-term rental permit required.**

(a) *Permit required.* Any person operating a short-term rental unit or advertising any property within the Township of Hampton as available for short-term rental use must hold a valid short-term rental permit. A permit holder must include the short-term rental permit number in all advertisements for a short-term rental unit, including all online listings.

(b) *Multiple permits prohibited.* No person may hold more than one short-term rental permit concurrently, except a person may hold permits for separate short-term rental units within a single dwelling unit.

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

(i) Must be a natural person who is at least eighteen (18) 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 twelve (12) months, either within the Township of Hampton 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 twelve (12) months, either within the Township of Hampton or at any other location.

(d) *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.

(e) *Expiration.* A short-term rental permit shall expire one (1) year after the date of issuance unless it is renewed prior to expiration.

### **Section 2.02 Application requirements.**

An application for a new short-term rental permit shall be on forms provided by the Zoning Officer and 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 fifteen (15) miles of the short-term rental unit;

(B) Will be responsible for addressing operational and safety concerns and responding to nuisance complaints;

(iv) An alternate contact person, who:

(A) Resides or is located within fifteen (15) 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 applicant, or the designated 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) The applicant must comply with any and all host platform rules and regulations.

(f) 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 Township of Hampton or at any other location, has been revoked in the twelve (12) 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 at the same dwelling unit where the short-term rental unit will be located.

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

(h) 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.

(i) 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.

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

(k) An affidavit, signed by the applicant and notarized, 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 article.

(l) Any additional information determined by the Zoning Officer to be necessary for processing the application and verifying the eligibility of the applicant and the proposed short-term rental unit.

(m) Payment of an application fee in the amount of two hundred (\$200.00) dollars.

**Section 2.03 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 Zoning 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 Zoning Officer to schedule an inspection 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;

(ii) Provide proof that the applicant has given written notice to the owners and occupants of all dwelling properties abutting the proposed short-term rental unit. Acceptable forms of proof shall be as determined by the Zoning Officer. The Zoning Officer shall also post the notice on the Township of Hampton's website. The notice shall:

(A) Be in a format approved by the Zoning Officer;

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



(C) Include a map showing the location of the proposed short-term rental unit; and

(D) Provide contact information for the Zoning Officer and the applicant for obtaining further information.

(iii) Post a copy of the fire/emergency exit in a clearly visible location inside the short-term rental unit.

(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. 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 Zoning Hearing Board within the applicable deadline, or if the Zoning Hearing Board, 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) Licenses;

(B) Permits;

(C) Allegheny County short-term rental tax; and

(D) All other known legal requirements;

(ii) Provide proof of current homeowner's 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. Said insurance coverage must remain in effect the entire time a short-term rental unit is made 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 2.04 Denial of permit.**

If the Zoning 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 article, the permit will be denied, subject to the applicant's right to appeal the denial as provided in this article.

#### **Section 2.05 Issuance of permit.**

(a) *Zoning Officer's approval.* The Zoning Officer shall issue a short-term rental permit to an applicant if:

(i) The Zoning Officer determines that the applicant and the proposed short-term rental unit meet the requirements, conditions, and criteria established by this article;

(ii) The proposed short-term rental unit has passed inspection or re-inspection and the applicant has completed all other measures as required under Section 2.01 – 2.03; and

(iii) No appeal contesting issuance of a short-term rental permit has been filed with the Zoning Hearing Board within the applicable deadline.

(b) *Special conditions.* The Zoning 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) Designation of dedicated parking locations for guests;
- (ii) Prohibition of guest use of certain outdoor areas; or
- (iii) Limited hours for use of outdoor areas.

**Section 2.06 Appeals from issuance or denial of permits.**

(a) *Filing an appeal.* Pursuant to the procedures established under Chapter 310, Article XV titled “Zoning Hearing Board” of the Township of Hampton Code, an appeal may be filed with the Zoning Hearing Board 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 Zoning Officer; or
- (ii) Any person aggrieved by the issuance of a short-term rental permit.

(b) *Reversal of decision to issue or deny permit.* The Zoning Hearing Board may reverse the Zoning Officer's decision to issue or deny a short-term rental permit if it determines the Zoning Officer acted in error. If the Zoning Hearing Board finds in favor of the applicant whose application for a permit has been denied, the Zoning Officer shall issue a short-term rental permit that is in compliance with the Zoning Hearing Board's findings upon completion of any final measures remaining to be completed under Section 2.03.

**Section 2.07 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 Sections 2.01 – 2.03, 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 two hundred (\$200.00) dollars.

(c) Submittal of proof of liability insurance and compliance with all other applicable legal requirements, in accordance with Sections 2.01 – 2.03; provided that the applicant may opt to submit such documents after notification that the Zoning Officer has determined the application to be otherwise complete.

**Section 2.08 Permit renewal.**

(a) *Renewal required upon expiration.* A short-term rental permit must be renewed upon its expiration. It is a violation of this article to continue operating a short-term rental unit after the permit has expired; provided, however, that if no complaints are pending with respect 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.

(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; however 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 for a new permit;

(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 all tax identification 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 and fifty (\$150.00) dollars.

(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 Zoning Officer. If the Zoning Officer denies approval of the revisions, the permit holder may submit a revised renewal application without the revisions.

(ii) If the Zoning Officer determines that the revisions warrant notification to nearby property owners and occupants, the Zoning Officer may require the permit holder to provide such notification, consistent with the notification requirements applicable to new permit applications.

(iii) The Zoning Officer may impose special conditions in conjunction with approval of the revisions, consistent with the Zoning Officer's authority under a new permit application.

(iv) Pursuant to the procedures established under Chapter 310, Article XV titled "Zoning Hearing Board" of the Township of Hampton Code, the permit holder or any other party aggrieved by the Zoning Officer's decision under this section may appeal the decision to the Zoning Hearing Board. On consideration of the appeal, the Zoning Hearing Board may:

(A) Affirm or reverse the Zoning 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 Zoning Officer, consistent with the types of special conditions that may be imposed by the Zoning Officer; and

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

(i) *Inspection required for renewal.* As a condition of renewal of a short-term rental permit, the applicant must schedule a new inspection with the Zoning Officer 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.

(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;

(ii) The Zoning 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.

**ARTICLE III**  
**SHORT-TERM RENTAL GUEST RESPONSIBILITIES**

**Section 3.01 Guest responsibilities.**

(a) *Compliance with regulations.* Each occupant of a short-term rental unit is responsible for abiding by all applicable statutes, ordinances, and regulations and respecting the character, qualities, and peculiarities of the neighborhood in which the unit is located. Short-term rental unit guests must comply with:

(i) Limits on the maximum number of occupants allowed to stay in the short-term rental unit to two (2) persons per bedroom on the property; Provided that children under the age of twelve (12) are not to be included in the occupancy limit.

(ii) Parking limitations and regulations;

(iii) Trash and recycling regulations;

(iv) Leash laws and other regulations pertaining to the keeping of animals, if guests bring pets;

(v) Prohibition against overnight guests of the individuals renting the short-term rental unit that are not otherwise named on the short-term rental agreement; and

(vi) All noise restrictions and regulations regarding the public peace and welfare.

(b) *Egregious conduct.* In addition to all other acts prohibited under this article or other applicable law, each occupant of a short-term rental unit is prohibited from engaging in or allowing others on the premises to engage in:

(i) Egregious conduct, which for the purposes of this article includes:

(A) Excessive loud noise, which for the purposes of this section means any noise, generated from within or on the premises of a short-term

rental unit, between 11:00 p.m. and 7:00 a.m., that is plainly audible to a person at a distance of one hundred (100) feet or more from the unit;

(B) Exceeding design loads, by placing loads on structural elements or components of buildings, including but not limited to porches, balconies, and roof decks, in excess of the minimum design loads required by the Township of Hampton's adopted building code; or

(C) Violation of any applicable life safety codes, including but not limited to the fire code as adopted by the Township of Hampton.

(c) *Notice to guests.* The permit holder for a short-term rental unit must provide notice, in a form and by means prescribed by the Zoning Officer, to all short-term rental guests advising of:

(i) Each guest's responsibilities under this section;

(ii) Maximum design loads that apply to any structural elements or components such as porches, balconies, and roof decks to which guests have access; and

(iii) The remedies available to the Township of Hampton to address violations, including the imposition of individual fines in an amount of up to three hundred (\$300) dollars for each violation.

(d) *Supervision of guests.* A short-term rental permit holder must not allow short-term rental guests to violate any of the provisions of this section or to otherwise create a public nuisance or disobey applicable statutes, ordinances, and regulations. A permit holder or the local responsible party/alternate contact must be on-call 24/7 during the duration of a short-term rental stay to be able to respond to any emergency personnel. A permit holder or the designated local responsible party designated by the permit holder must immediately notify and cooperate with the Township of Hampton's police department if the permit holder or the designated local responsible party knows or suspects that a short-term rental unit or the premises of the unit is the location of:



- (i) Any egregious conduct prohibited under subsection (b) of this section;
- (ii) Any other type of criminal activity; or
- (iii) Any public nuisance

**ARTICLE IV**  
**SHORT-TERM RENTAL OPERATIONAL ISSUES**

**Section 4.01 Maximum occupancy.**

The number of guests staying in a short-term rental unit at any one time must not exceed two (2) persons per sleeping room. Provided that children under the age of twelve (12) are not to be included in the occupancy limit. A short-term rental unit may not include more than four (4) sleeping rooms. The permit holder for a short-term rental unit must conspicuously post the occupancy limit within the unit. Advertising a short-term rental unit as being available for more occupants than allowed under this section will be considered a violation of this article.

**Section 4.02 Rental periods.**

- (a) *Minimum individual stay.* No permit holder may rent a short-term rental unit to a guest for a period of less than twenty-four (24) hours.
- (b) *Maximum individual stay.* No permit holder may rent a short-term rental unit to the same guest for more than thirty (30) consecutive days.
- (c) *Maximum total days per year.* No permit holder may rent a short-term rental unit for more than one hundred and eighty (180) total days in any twelve (12) month period.

**Section 4.03 Guest eligibility; discriminatory practices; accessibility.**

- (a) *Principal renter requirements.* The principal renter of a short-term rental unit must be at least eighteen (18) years old and must be an overnight occupant of the unit during the entire time of the rental period.

(b) *Discriminatory practices prohibited.* Except as allowed under subsection (a) of this section, it shall be unlawful for any person who owns, rents, operates, manages, or in any manner controls a short-term rental unit to withhold, deny, curtail, or limit the rental or use of such unit because of an individual's race, color, national origin, ancestry, sex, gender identity, sexual orientation, age, religion, marital status, parental status, or military service status.

(c) *Accessibility.* Listings for a short-term rental unit must identify any accessibility features for persons with disabilities.

#### **Section 4.04 Guest health and safety.**

(a) *Building safety.* Each short-term rental unit must meet all applicable building code and fire code requirements. Functioning smoke and carbon monoxide alarms meeting Underwriters Laboratory (UL) standards must be installed in:

- (i) Each story occupied by the short-term rental unit, including basement levels;
- (ii) All sleeping areas; and
- (iii) Every room or hallway used for egress from a sleeping area to each exit.

(b) *Food handling.* A permit holder who provides food to guests must comply with all applicable food handling and licensing requirements established by the state and county health departments.

(c) *Food utensils.* All plates, glasses, cups, flatware, pots, pans, or other food utensils provided by the permit holder for preparing or consuming food must be clean and sanitary.

(d) *Linens and beds.* All linens, mattresses, bedding, or other sleep furniture or supplies must be clean, sanitary, and free from insects, including bed bugs.

**Section 4.05 Parking.**

For every two (2) occupants allowed under Article IV, the permit holder must provide one (1) off-street parking space.

**Section 4.06 Responding to nuisance, safety, and operational issues.**

(a) *Response procedures.* The permit holder, or the designated local responsible party chosen by the permit holder must:

(i) Be available by telephone twenty-four (24) hours a day, seven (7) days a week, to address problems associated with the short-term rental unit, including operational and safety concerns and nuisance complaints;

(ii) Take action to resolve each complaint regarding the short-term rental unit within one (1) hour of receiving the complaint; and

(iii) Diligently pursue the resolution of each complaint until it is resolved to the fullest practical extent.

(b) *Alternate contact person.* In the event the permit holder, or the designated local responsible party is unavailable or unable to respond to a notification of a problem with a short-term rental unit, the alternate contact person designated by the permit holder shall have the same duty to respond and take action as the permit holder and the designated local responsible party.

(c) *Current contact information.* A short-term rental permit holder must provide current contact information for the permit holder, the designated local responsible party, and the alternate contact person designated by the permit holder. The permit holder must notify the Zoning Officer within seven (7) days if:

(i) A party other than the person previously identified by the permit holder, either on the permit application form or otherwise, is designated as the local responsible party or alternate contact person; or

(ii) Any previously provided contact information changes for the permit holder, the local responsible party, or the alternate contact person.

(d) *Outdoor notice to be posted.* The permit holder must post and maintain in good condition a clearly printed notice, on at least 8.5” x 11” paper, on the premises of the short-term rental unit in a location visible to the public from the sidewalk or public right-of-way, including the following information:

(i) Short-term rental permit number;

(ii) Name and telephone number for the permit holder;

(iii) Name and telephone number for the designated local responsible party and the alternate contact person; and

(iv) E-mail address and telephone number for the Zoning Officer.

(e) *Violations of this section.* Failure by the permit holder, the local responsible party or the alternate contact person to comply with any of the requirements of this section will be treated as a violation by the permit holder.

## ARTICLE V

### SHORT-TERM RENTAL TAXES AND FEES

#### Section 5.01 Taxes and fees.

Each short-term rental permit holder and host platform provider must comply with all applicable federal, state, and local laws and regulations regarding collection and payment of taxes and fees, including, but not limited to, the Allegheny County hotel occupancy tax.

## ARTICLE VI

### PROPERTIES INELIGIBLE FOR SHORT-TERM RENTAL

#### Section 6.01 Properties ineligible for short-term rental use.

Within the areas where short-term rental uses are allowed, a dwelling unit or a portion of a dwelling unit may not be used for short-term rental purposes if:

- (a) Exterior alterations must be made to any structure on the property for the purpose of accommodating a short-term rental use.
- (b) The property containing the dwelling unit does not comply with applicable lot size and setback requirements.
- (c) The property containing the dwelling unit is a two (2) family dwelling and:
  - (i) Ownership of the dwelling units is divided; or
  - (ii) The other dwelling unit on the property is currently used or permitted for short-term rental purposes.
- (d) The property is listed on the National Register of Historic Places
- (e) The owner of the dwelling unit is other than a natural person, including but not limited to:
  - (i) An incorporated or limited liability entity; or
  - (ii) An unincorporated entity such as a partnership, joint venture, or trust.
- (f) Any of the following apply to the dwelling unit:
  - (i) Delinquent property taxes;
  - (ii) Unresolved violations of building or property maintenance codes; or
  - (iii) Unpaid fines for building or property maintenance code violations.

## **ARTICLE VII**

### **SHORT-TERM RENTAL VIOLATIONS AND PENALTIES**

#### **Section 7.01 Violations; penalties.**

- (a) *Enforcement actions.* In addition to any other penalties or remedies provided by law, the Zoning Officer may take any of the following actions against any

person who violates any of the provisions of this article, without any requirement that the actions escalate in severity:

- (i) Issuance of a verbal warning;
- (ii) Issuance of a notice of violation, which may include:
  - (A) A deadline for remediating the violation; and
  - (B) The potential consequences for failure to remediate the violation;
- (iii) Imposition of a waiting period before a short-term rental permit may be applied for, as further provided in this section; or
- (iv) A written order of suspension or revocation of a short-term rental permit, as further provided in this section.

(b) *Suspension and revocation orders.* In addition to any other penalty or remedy provided by law, the Zoning Officer may order that a short-term rental permit be suspended for a period of up to one hundred and eighty (180) days or revoked when the Zoning Officer determines that:

- (i) Occupants renting a short-term rental unit have engaged in or allowed others on the premises to engage in any egregious conduct as prohibited under subsection (b) of Section 3.01 of this article;
- (ii) On three (3) or more occasions within a twelve (12) month period, occupants renting a short-term rental unit have engaged in or allowed others on the premises to engage in any objectionable conduct as prohibited under subsection (b) of Section 3.01 of this article;
- (iii) On three (3) or more occasions within a twelve (12) month period, occupants renting a short-term rental unit have created a nuisance by violating the requirements of subsection (a) of Section 3.01 of this article;

(iv) The permit holder has:

(A) Falsified information on an application for issuance or renewal of the permit;

(B) Failed to file required reports with the Township of Hampton or falsified information on such reports;

(C) Failed to pay required taxes or fees due in connection with the short-term rental permit; or

(D) Failed to comply with any other requirement of this article.

(c) *Determination of appropriate action.* In determining the most appropriate enforcement action for any of the circumstances described in subsection (b) of this section, the Zoning Officer shall consider:

(i) The impact of the circumstances on neighboring properties and the area in which the short-term rental unit is located;

(ii) The threat to public health, safety, or welfare caused by violations of the provisions of this article;

(iii) The permit holder's or the designated local responsible party's timely response and good faith effort to resolve or mitigate the circumstances; and

(iv) The history of violations of the provisions of this article by the permit holder or in connection with the short-term rental unit.

(d) *Notice of suspension or revocation to permit holder.* Upon determining that a short-term rental permit should be suspended or revoked, the Zoning Officer shall notify the permit holder in writing of:

(i) The Zoning Officer's intent to suspend or revoke the permit;

(ii) The permit holder's right to:

(A) Request a hearing to appeal the suspension or revocation before the Zoning Hearing Board, within ten (10) calendar days of the date on which the notice was sent, in a form and manner prescribed by the Zoning Hearing Board; and

(B) Present to the Zoning Hearing Board any testimony, exhibits, or affidavits pertinent to the permit holder's appeal.

(e) *Failure to request hearing.* If the Zoning Officer orders that a short-term rental permit be suspended or revoked, and the permit holder fails to timely request a hearing as allowed under this section, the order to suspend or revoke the permit shall go into effect.

(f) *Immediate suspension.* Notwithstanding the foregoing, the Zoning Officer may immediately suspend a short-term rental permit and prohibit the permit holder from renting a short-term rental unit for a period not to exceed thirty (30) calendar days if the Zoning Officer determines that continued rental of the unit will cause an imminent threat to public health, safety, or welfare. During such suspension period:

(i) The Zoning Officer may take action to:

(A) Revoke the permit or extend the suspension of the permit, pursuant to the procedures established in subsection (d) of this section; or

(B) Reduce the suspension period, if the conditions resulting in the suspension have been resolved and there appears to be no further threat.

(ii) The permit holder may request a hearing before the Zoning Hearing Board, who shall conduct the hearing at the earliest practical time. The Zoning Hearing Board may reverse the suspension, reduce the suspension period, or allow the suspension to stand. If the permit holder fails to request a hearing during the suspension period, any further actions taken by the Zoning Officer under subsection (f)(i) of this section shall go into effect.



(g) *Effect of suspension or revocation.* At the time suspension or revocation of a short-term rental permit goes into effect:

(i) The Zoning Officer shall notify the permit holder and the host platform, if applicable, of the suspension or revocation and the effective dates.

(ii) The Zoning Officer may take action to seek injunctive relief against a permit holder or host platform provider who fails to observe the suspension or revocation.

(iii) Rental and advertising of the short-term rental unit must be ceased by the operator and the host platform provider until:

(A) The suspension period is over and the permit holder has met any conditions for resuming rental of the unit; or

(B) The Township of Hampton has issued a new permit for operation of the short-term rental unit.

(h) *Duration of revocation.* If a short-term rental permit is revoked, the revocation will remain in effect for a period of at least one (1) year from its effective date before any person may apply for a new permit for a short-term rental unit at the same location. Additionally, the permit holder may not apply for a short-term rental permit for any other location for at least one (1) year from the effective date of the revocation.

(i) *Operating without a permit.* In addition to any other penalty or remedy provided by law, a penalty for operating or advertising property for short-term rental use without a permit in violation of this article shall be imposed according to the following procedures:

(i) Upon a determination that property has been operated or advertised for short-term rental use without a permit, the Zoning Officer may impose a waiting period of up to twelve (12) months before any person may apply for a short-term rental permit for the property or the person operating or advertising the short-term rental may apply for a short-term rental permit for any other location. The Zoning

Officer shall determine the length of the waiting period, based on any of the following factors or combination of factors:

(A) Statements made by the person operating or advertising the short-term rental use indicating the person was aware or unaware of requirement to obtain a permit;

(B) Statements made by neighbors or others with knowledge of the short-term rental use indicating the person operating or advertising the short-term rental use was aware or unaware of requirement to obtain a permit;

(C) Other evidence that the person operating or advertising the short-term rental was informed of the requirement to obtain a permit and disregarded the requirement;

(D) Evidence that the person operating or advertising the short-term rental had looked into permit requirements and believed a permit was not required;

(E) Prior violations of the provisions of this article by the person operating or advertising the short-term rental; and

(F) Whether the person operating or advertising the short-term rental, upon being informed of the Township of Hampton's permit requirements, continued to rent or advertise the short-term rental unit.

(ii) Any person affected by a waiting period imposed by the Zoning Officer under this section may request a hearing before the Zoning Hearing Board to appeal the length of the waiting period.

(iii) If a person is charged with operating or advertising property for short-term rental use without a permit, it shall be an affirmative defense that the short-term rental was a pre-existing use for which no permit was required under the provisions of this article.

(j) *Special conditions.* If a short-term rental permit is subject to any special conditions established pursuant to Section 2.05 of this article, a violation of any such conditions shall be subject to the enforcement and penalty provisions set forth in this section.

(k) *Hearing on suspension, revocation, or waiting period.* If a permit holder requests a hearing before the Zoning Hearing Board under this section, the hearing will be held in accordance with the procedures established under the Pennsylvania Municipalities Planning Code and the Township of Hampton Code of Ordinances.

(l) *Other remedies.* In addition to or in lieu of any other penalty or remedy provided for in this article, the Township of Hampton may take any of the following actions or combination of actions against any person who violates any of the provisions of this article:

(i) Issuance of a citation and prosecution of the violation before any court of competent jurisdiction, provided further that each day a violation occurs or continues shall be considered a separate violation, for which a separate penalty may be imposed;

(ii) Legal action in a court of competent jurisdiction to:

(A) Enjoin or abate a violation; or

(B) Recover damages in an amount adequate to compensate the Township of Hampton for any costs incurred to enforce the provisions of this article; or

(iii) Any other action available under applicable law.

Attest:

TOWNSHIP OF HAMPTON:



Municipal Manager



President of Council