

Clinton Township
Ordinance No. 2021 - 03

Amendments to Zoning Ordinance

Short-Term Rentals Final

The purpose of these amendments to the Zoning Ordinance is to address the current and future presence of Short-Term rental properties within the Township known as Bed and Breakfasts, AirBnB, or simply Short-Term rentals. Accordingly, Section 185-80 Definitions should be amended, and a new Section 185-52 must be added to address these properties. In researching this matter deeper, AirBnB is a lightly regulated home-sharing website that permits virtually anyone to list accommodations for rent. A Bed and Breakfast is a regulated “small inn” subject to state and local lodging laws and fees. These amendments are attempting to more closely regulate the Short-Term rental known as AirBnB which is currently not a permitted use in Township Zoning Districts.

Definitions added to Section 185-80:

AirBnB – A residence or dwelling unit utilized as a Short-Term Rental through advertisement on the AirBnB marketplace or other home-sharing websites that connects people who want to rent out residences or dwelling units with people who are looking for accommodations in that particular locale.

Bed and Breakfast - A principal single family dwelling unit or other dwelling unit on the same property as the principal single family dwelling unit that provides sleeping accommodations or rooms for the temporary lodging of guests for compensation and includes breakfast and other meals, services, and amenities for the exclusive use of guests. Guests stay in the principal single family dwelling unit which is also the principal residence of the owner (proprietor) or in a separate dwelling unit near the principal residence and on the same property.

Bedroom – A room or space designed to be used for sleeping purposes ideally with two means of egress (one of which may be a window acceptable under the building code), and in “close” proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage, or utility rooms and similar uses are not considered Bedrooms. Space intended for general and informal everyday use such as a living room, den, family room, game room, or sitting room is not to be considered a Bedroom.

Rental Property – A dwelling unit or residence occupied by a person or people under a formal rental agreement with the owner.

Residence – A structure or establishment which was originally used or is currently being used by a person or people as their main dwelling place or home. It is also defined as a room or group of rooms within which a person or people reside or can reside. A residence can be offered to travelers as temporary lodging where they can rent a room or rooms and as such be operated as an AirBnB, Bed and Breakfast, or Short-Term rental.

Person In Charge – A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner’s Short-Term Rental. A Person In Charge must reside or have an office within approximately ten miles of the Short-Term Rental Property and be able to act as legal agent for the owner. The Township must be notified in writing within fourteen calendar days if there is any change in the identity of the Person In Charge.

Short-Term Rental – Any Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of twenty-nine days or less, and which is registered with the County of Butler and/or the Commonwealth of Pennsylvania for the purpose of paying all applicable Hotel and Sales taxes associated with providing overnight lodging for pay. A Short-Term Rental is also known as a Bed and Breakfast or AirBnB.

Short-Term Rental Permit – Permission granted by the Township to utilize a residence or dwelling unit for Short-Term Rental Use. An application must be filled out.

New Section 185-52 Short-Term Rentals:

185-52. Short-Term Rentals, Bed and Breakfasts, AirBnB Rentals.

- A. The owners of the property upon which the Short-Term Rental dwelling unit or residence is located must reside on the same property in a primary (principal) residence OR the dwelling unit being rented as a Short-Term rental may also be the property owner’s primary residence provided the primary residence is not being rented out in its entirety. If the owners of the property upon which the Short-Term Rental is located are not residing on the same property in the primary residence, then the owners themselves or an agent or property manager engaged by the owners must be available locally twenty-four hours per day, seven days per week, to address complaints and problems that may arise.
- B. Overnight occupancy shall be limited to the renter(s) plus four (4) additional persons or a maximum of twelve (12) occupants, whichever is less. It is anticipated that the following guidelines will be followed:
 - a. Twin/Full Bed = 1 person
 - b. Queen/King Bed= 2 people
 - c. Sleeper Sofa= 2 people
- C. The maximum number of day guests or visitors allowed at any one time shall be seventy five percent (75%) of the maximum overnight occupancy of the Short-Term Rental.
- D. Neither occupants or guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person/people residing near the dwelling unit by loud, unusual, or excessive noise, by offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or creating a dangerous or physically offensive condition or environment.

- E. If not on a public sewer system, a septic system evaluation certifying the existing system is functioning as intended and proof that the septic tank has been pumped within the past three (3) to five (5) years for approval by the Township Sewage Enforcement officer. Maximum occupancy shall be limited by the capacity of the sewage disposal system on site.
- F. Smoke detectors must be installed in each bedroom, outside each bedroom in common hallways, and on each floor. Smoke detectors that are wired into house wiring or are wireless are preferred over battery operated detectors. If battery powered detectors are used, batteries must be dated.
- G. Dwelling Units or rooms within dwelling units serving as the principal building on the property shall comply with the National Electric Code and other applicable codes and requirements for residential occupancy. This applies to the proper use of both GFI and AFCI outlets.
- H. Carbon monoxide detectors are required if an open flame oil or gas furnace or wood burning fireplace is present.
- I. The Short-Term Rental Structure, Bed and Breakfast Structure, or AirBnB structure is clearly subordinate to the existing residential use of the property.
- J. Dwelling Units or rooms within dwelling units serving as the principal building on the property shall comply with the Township's Building Code and Pennsylvania Uniform Construction Code requirements for residential occupancy. No rooms or areas in temporary structures shall be rented out under this use.
- K. Mobile homes, travel trailers, campers or similar structures or vehicles that can be pulled by another vehicle cannot be used as Short-Term Rentals, Bed and Breakfasts, or AirBnBs under any circumstances.
- L. Lighting shall be in accordance with the Township Lighting Ordinance for exterior lighting.
- M. It is the owner's responsibility to make sure the address for the Short-Term Rental unit is clearly marked at the end of the driveway and furthermore that a sign denoting Short-Term Rental unit is also placed at the end of the driveway if the unit is rented more than four times per year. All signs shall be installed in accordance with the Township's Sign Ordinance and with the appropriate Township Permit.
- N. A site plan shall be filed with the Township which designates the structure(s) or rooms being rented, property lines and parking areas for the structure.

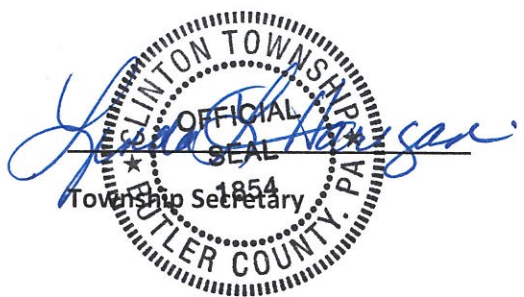
- O. A zoning permit is required and must be renewed annually by the property owner. The Township's Code Enforcement Officer will inspect the property when a zoning permit is applied for or renewed.
- P. The property owner must maintain at least \$1,000,000 in liability insurance on the Short-Term Rental for the full duration of the license term and provide proof to the Township of said insurance. The Township reserves the right to change the amount of liability insurance required at any time in the future upon the advice of their Insurance Agent.
- Q. No street or "yard" parking is permitted. All parking by renter(s) and guests must be in a parking area that has a bituminous, concrete, or gravel surface.
- R. Trash storage with weekly pick up is mandatory.
- S. Property lines must be clearly marked and occupants and their guests must always stay on the property upon which the Short-Term Rental, Bed and Breakfast, or AirBnB is situated. Fencing may be required delineating the property lines if disputes or claims of trespass by neighboring property owners are made.
- T. The setting off of fireworks, other displays containing combustible chemicals, and/or light displays or the discharging of firearms by renter(s) is strictly prohibited under all circumstances. Compliance with the Township Noise and Vibration Ordinance (185.59) is required without exception.
- U. Annual inspection of the dwelling unit serving as a Short-Term Rental shall be conducted by the Township Zoning Officer or another agent of the Township.
- V. These requirements shall be posted on the door to the Short-Term Rental at all times. The Township shall furnish these requirements in a fashion suitable for posting.
- W. Any property with a dwelling unit that is a Rental Property must be registered with the Township. Application with fee must be made to the Township and the Rental Property must be inspected for compliance with Township Zoning and County and State building code requirements. A license or permit will be issued by the Township. The Township Code Enforcement Officer will inspect the subject dwelling unit at the time of application for a Zoning Permit or at the time of permit renewal for compliance with Township Zoning and Code requirements.

BE IT ORDAINED AND ENACTED BY THE CLINTON TOWNSHIP BOARD OF SUPERVISORS this 12th day of APRIL, 2021, that the preceding shall be enacted as part of the Clinton Township Consolidated Ordinances, entitled "Zoning Ordinance Amendment Short-Term Rentals":

ATTEST:

CLINTON TOWNSHIP

BOARD OF SUPERVISORS:



(SEAL)

By: [Signature]
Chairman

By: [Signature]
Vice Chairman

By: James N. Halstead
Supervisor