

**LONDONDERRY TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

Ordinance 2024-03

AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES OF THE TOWNSHIP OF LONDONDERRY, CHAPTER 11 (RELATING TO RENTAL HOUSING); SECTION 1 PROVIDES THE TEXT OF THE ORDINANCE INCLUDING THE TITLE, SCOPE AND APPLICABILITY OF THE ORDINANCE, DEFINITIONS, LICENSURE REQUIREMENTS, RENTAL HOUSING PROPERTY STANDARDS, PROPERTY INSPECTIONS, AND ENFORCEMENT, PENALTIES, APPEALS, AND HEARINGS; SECTIONS 2 THROUGH 4 PROVIDE FOR THE REPEALER, REVISION AND SEVERABILITY OF THE PROVISIONS THEREOF; AND SECTION 5 PROVIDES FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Londonderry Township Board of Supervisors is enacting this Ordinance of Londonderry Township, Dauphin County, Pennsylvania ("Zoning Ordinance"), pursuant to its statutory authority under the Second Class Township Code;

WHEREAS, the Board of Supervisors has met the procedural requirements of the Township's ordinances for the adoption of the proposed ordinance; and

WHEREAS, the Board of Supervisors of Londonderry Township, Dauphin County, Pennsylvania adds Chapter 11 (relating to Rental Housing) to the Code of Ordinances with Part 1 addressing the title, scope and applicability of the ordinance; Part 2 addressing the definitions used throughout the chapter; Part 3 containing the requirements to obtain a license prior to offering for rent a short-term or long-term rental unit; Part 4 addressing rental housing property standards; Part 5 addressing property inspections prior to initial and renewal licensure; and Part 6 addressing enforcement and penalties, appeals, and hearings; and

WHEREAS, the Board of Supervisors, after due consideration of the proposed Ordinance, at a duly advertised public meeting, has determined that the health, safety, and general welfare of the residents of Londonderry Township will be served by the proposed Ordinance amendment.

NOW THEREFORE, it is hereby ordained by the Board of Supervisors of Londonderry Township, Dauphin County, Pennsylvania, that Chapter 11, Rental Housing, is added to the Code of Ordinances of the Township of Londonderry, which shall read as follows:

SECTION 1. The Code of Ordinances of Londonderry Township shall be amended to add Chapter 11 (relating to Rental Housing), which shall read as follows:

Chapter 11 RENTAL HOUSING

Part 1 TITLE, SCOPE AND APPLICABILITY

§ 11-101 Title.

This chapter shall be known as and may be cited as the Rental Housing Ordinance.

§ 11-102 Scope.

1. The purpose of this Ordinance is to require the owner of a Short-Term or Long-Term Rental Unit, as herein defined, to apply for and secure a license authorizing such use in the manner provided herein in order to protect and promote the public health, safety and welfare of citizens, to establish the rights and obligations of owners and occupants, and to encourage owners and occupants to maintain the quality of the rental housing in the community.
2. The provisions of this chapter shall apply to all residential dwelling units, conversions of nonresidential structures to residential dwellings, and any existing premises within Londonderry Township that are utilized as a Short-Term or Long-Term Rental Unit.
3. The owner of the subject property shall be responsible for compliance with the provisions of this chapter and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this chapter shall be deemed noncompliance by the owner.

§ 11-103 Applicability.

This chapter is not intended to, and does not, excuse any owner from compliance with the Londonderry Township Code of Ordinances, as amended from time to time, including Chapter 27 (related to Zoning).

Part 2. DEFINITIONS

§ 11-201 General.

If a term is not defined by this chapter but is defined by the Zoning Ordinance (Chapter 27), the definition in the Zoning Ordinance shall apply to this chapter.

§11 -202 Specific Terms.

The following words, terms, and phrases, when used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

Basement – A story that is not a Story Above Grade Plane

Bedroom – A room or space designed to be used for sleeping purposes with two means of egress, one of which may be a window in compliance with the Uniform Construction Code. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, basement areas without two direct means of egress, storage or utility rooms, and similar rooms are not considered bedrooms.

Grade Plane – A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the property lot line, or if the property lot line is more than 6 feet from the building between the structure and a point 6 feet from the building.

Habitable Space – A space in a building for living, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered Habitable Spaces.

Long-Term Rental Unit -- A dwelling unit that is rented by a family for a period of more than thirty (30) consecutive days. The term shall not include a short-term rental, bed-and-breakfast establishment, boarding house, hotel, motel, residential hotel, or group home.

Long-Term Rental Unit License - A license granted by the Township permitting the owner to utilize a dwelling unit as a Long-Term Rental.

Occupant – Person who does not have a financial interest in the Rental Unit but who is authorized by the owner to live in the Rental Unit.

Owner – the person or entity holding legal and/or equitable title to the Short-Term or Long-Term Rental Unit.

Person – Any natural person, partnership, firm, association, corporation or other legal entity.

Rental Hosting Platform – online website utilized for the listing of rental housing including, by way of example, VRBO, Air B&B, rentals.com and other similar sites offering advertising of Short-Term and Long-Term Rentals.

Rental License – a Short-Term Rental License or a Long-Term Rental License.

Rental Property – A Short-Term Rental or a Long-Term Rental.

Short-Term Rental Unit – A Uniform Construction Code compliant dwelling unit rented to a family on one or more occasions per year for the purpose of transient living and overnight lodging, for a period of not less than one day and not more than thirty (30)

consecutive days. The term shall not include a bed-and-breakfast establishment, boarding house, hotel, motel, residential hotel, long-term rental, or group home.

Short-Term Rental Unit License - A license granted by the Township permitting the owner to utilize a dwelling unit as a Short-Term Rental.

Story Above Grade Plane - Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is either of the following:

1. More than 6 feet above grade plane .
2. More than 12 feet above the finished ground level at any point.

Tenant – Individual who has the financial responsibility for the Rental Unit.

Vehicle Camping – utilizing a motor vehicle for purposes of overnight accommodation.

Part 3 RENTAL HOUSING LICENSE

§ 11-301 Rental Housing License Required.

1. No owner of any property in Londonderry Township shall operate a Short-Term or Long-Term Rental Unit in the Township without first obtaining the applicable Short-Term or Long-Term Rental Unit License from the Code Official. Operation of a Short-Term or Long-Term Rental Unit without such license is a violation of this chapter.
2. A Long-Term Rental Unit may not be utilized as a Short-Term Rental Unit unless the location of the property is zoned for Short-Term Rental Unit uses as provided in Chapter 27 (relating to zoning) and, prior to advertising or renting out the Rental Unit as a Short-Term Rental Unit, the owner applies for and obtains a separate Short-Term Rental Unit License from the Township.

§ 11-302 License Requirements.

Rental Unit License applications shall contain the following information:

1. The type of license requested (either a Short-Term Rental Unit License or a Long-Term Rental Unit License).
2. The name, address (which shall not be a post office box), telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a twenty-four-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person must have written authorization to accept service for the owner.

3. The name, address and twenty-four-hour telephone number of the managing agency, agent or local contact person.
4. Floor plans for the rental unit, including, but not limited to, total habitable floor space, means of egress, fire alarm and detection locations, and total number of bedrooms.
5. If the building is a multiunit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term or Long-Term Rental Units.
6. A site plan showing the location and number of on-site parking spaces.
7. The location, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a Rental License, or a renewal thereof, for review and approval by the Sewage Enforcement Officer.
8. For Short-Term Rental License applicants, copies of current Dauphin County hotel room excise tax certificate and current Pennsylvania Sales, Use and Hotel Occupancy Tax License.
9. Signatures of both the owner and the local managing agent or local contact person if different from the owner.
10. Trespass waiver, signed by the owner, allowing access to the property for the Code Officials for the purpose of inspection to verify compliance with this chapter.
11. Copy of the current recorded deed for the property establishing ownership.
12. Declaration page of a paid up, current insurance policy in effect with respect to the property evidencing at least \$500,000 in liability insurance, which specifically covers for Rental Units, for the full duration of the license term.
13. A Short-Term or Long-Term Rental Unit License shall be issued only to the owner of the Short-Term or Long-Term Rental Unit. A renter of a property may not obtain a license or operate a Short-Term or Long-Term Rental Unit.
14. A separate Rental Unit License is required for each dwelling unit; for two-family or multifamily dwellings, a separate Rental Unit License shall be required for each dwelling unit being rented as a Short-Term or Long-Term Rental Unit.
15. If the owner of the Rental Unit does not live within the Township or within a twenty (20) mile radius of the Township, the owner shall designate an agent who shall reside within a twenty (20) mile radius of the Township and shall be responsible to receive

notices and communications necessary and to accept service of process and initial and subsequent pleadings on behalf of the owner. It shall be the responsibility of the owner to update the information if the name or information of the designated agent changes.

§ 11-303 Fees, term and renewal.

1. The Rental Unit License fee and inspection fee, payable to Londonderry Township, shall be submitted at the time of the filing of a Short-Term or Long-Term Rental Unit License application and in such amount as may be established by resolution duly adopted by the Board of Supervisors. The License and inspection fees will not be prorated.
2. A Short-Term or Long-Term Rental Unit License is effective only for the fiscal year in which it was issued. Licenses shall run from January 1 through December 31 of the following year.
3. The owner shall renew the Rental Unit License by re-applying annually at least thirty (30) calendar days prior to the expiration of the license. Renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this chapter. At the time the renewal application is submitted, the applicant shall verify that all owed hotel and sales taxes have been paid.
4. The Rental Unit License renewal fee and inspection fee, payable to Londonderry Township upon the filing of a Rental Unit License renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
5. Prior to the issuance of an initial or renewal Short-Term or Long-Term Rental Unit License, the Short-Term or Long-Term Rental Unit shall be inspected by the Code Official or designee for compliance with the provisions of this Ordinance.
6. The Township will prescribe the forms and procedures for the processing of initial and renewal applications under this chapter.
7. Licenses are not transferable upon change of ownership of the property. An updated application must be received from the new owner/applicant within thirty (30) calendar days following the transfer of the Short-Term or Long-Term Rental Unit.
8. Short-Term and Long-Term Rental Unit Licenses are not interchangeable and owners shall operate a Rental Unit in a manner consistent with the license type that was issued by the Township. Owners may apply for both a Short-Term and Long-Term Rental Unit License to operate a single Rental Unit as a Short-Term and Long-Term Rental Unit, provided that the requirements applicable to each license type are otherwise met.

Part 4 RENTAL HOUSING PROPERTY STANDARDS

§ 11-401 General Rental Housing Property Standards.

1. All Rental Units shall be equipped as follows:
 - A. All areas in the Rental Unit, including bedrooms and habitable areas, shall meet the requirements of the International Property Maintenance Code and the Uniform Construction Code.
 - B. Means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the required egress door without travel through a garage and shall open directly into a public way or to a yard or court that opens to a public way.
 - C. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in the Uniform Construction Code.
 - D. A minimum 3A 30BC fire extinguisher must be installed in a conspicuous location in the kitchen, hung at 46 inches above the floor to the top of the handle. The fire extinguisher must be tagged with a current inspection date from a fire extinguisher inspection company. Fire extinguishers must be inspected yearly.

§ 11-402 Short-Term Rental Unit Standards.

In addition to the requirements contained in § 11-401, Short-Term Rental Units shall comply with the following requirements:

1. Rental period. Short-Term Rental Units shall be rented for a period of not less than one (1) day and not more than thirty (30) consecutive days to someone other than the owner's family when no rent is being collected.
2. Overnight occupancy of a Short-Term Rental Unit shall be limited to the lesser of:
 - A. No more than two (2) occupants per bedroom; or
 - B. Ten (10) occupants per Rental Unit.
3. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be 50% of the maximum overnight occupancy of the Short-Term Rental Unit. For example, if the maximum number of overnight occupants in the Short Term Rental Unit is ten persons, the maximum number of day guests may not exceed five additional persons.
4. Overnight occupancy of recreational vehicles, camper trailers, vehicle camping, and tents at the property where the Short-Term Rental Unit is located shall not be allowed.

5. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental Unit is prohibited.
6. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental Unit property. In no event shall parking for Short-Term Rental Unit guests include spaces in any public street right-of-way or on any lawns or vegetated areas.

§ 11-403 Long-Term Rental Unit Standards

In addition to the requirements contained in § 11-401, Long-Term Rental Units shall comply with the following requirements:

1. Rental Period. A Long-Term Rental Unit may only be rented:
 - A. To a family, as defined in Chapter 27 (relating to zoning); and
 - B. For an initial period of more than thirty (30) days.
2. Overnight occupancy of a Long-Term Rental Unit shall be limited to not more than three (3) occupants per bedroom.
3. Overnight occupancy of recreational vehicles, camper trailers, or vehicle camping at the property where the Long-Term Rental Unit is located shall not be permitted.

§ 11-404 Owner Requirements.

1. In addition to obtaining a Short-Term or Long-Term Rental License, to change the use of a property from an owner-occupied dwelling unit to a Short-Term or Long-Term Rental Unit, the owner shall be required to obtain a Certificate of Use Permit, as provided in Chapter 27 §417, before the property may be utilized as a Short-Term or Long-Term Rental Unit.
2. The owner shall ensure that all Rental Unit occupants are provided with a packet of information containing:
 - A. The Township's ordinance requirements.
 - B. The name of the owner of the Rental Unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the Rental Unit and a telephone number at which that party can be reached on a twenty-four-hour basis.
 - C. The E-911 address of the property.
 - D. The maximum number of occupants permitted to stay in the Rental Unit.

- E. For Short-Term Rental Units:
- a. The maximum number of day guests permitted at any one time.
 - b. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
- F. The trash disposal method, including contact information, and notification that trash and refuse shall not be left or stored along the street except in watertight metal or plastic trash containers from 6:00 p.m. on the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up.
- G. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Township Code, including parking and occupancy limits.
3. If the owner of the Rental Unit does not live within the Township or within a twenty-mile radius of the Township, the owner shall designate an agent who shall reside within a twenty (20) mile radius of the Township and shall be responsible to receive notices and communications necessary and to accept service of process and initial and subsequent pleadings on behalf of the owner. It shall be the responsibility of the owner to update the information if the name or information of the designated agent changes.
 4. The owner shall ensure that all advertising for the Rental Unit, including on Rental Hosting Platforms, contain the Township-issued Rental Unit License Number. The marketing of a Rental Unit in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this chapter, or which promotes any other activity which is prohibited under this chapter, shall be a violation of this chapter.
 5. The owner shall use best efforts to assure that the occupants or guests of the Rental Unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Londonderry Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding the Rental Units and promptly responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
 6. The owner shall, upon notification that occupants or guests of the Rental Unit have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Township Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

7. The owner shall obtain the name and driver's license number or a copy of the passport of the tenant(s) and the names of all occupants of the Rental Unit. The owner shall require that the tenant sign a formal acknowledgement that he or she is legally responsible for compliance with the provisions of this Ordinance. This information shall be readily available upon request of the Code Official.

Part 5. INSPECTIONS

§11-501 Code Official.

The Code Official shall have the responsibility and authority to administer and enforce all provisions of this chapter.

§11-502 Inspections.

1. All Short-Term and Long-Term Rentals shall be subject to inspections by the Code Official or designee to verify application information, license, license renewal and/or operating requirements.
2. Inspections shall be completed:
 - A. Prior to the issuance of an initial Short Term or Long-Term Rental Unit License.
 - B. Every two years prior to the issuance of a renewal Short-Term, and every four years prior to the issuance of a Long-Term Rental Unit License, provided that if there are any changes to the Rental Unit, the Township may also require an extra inspection within the year following such changes.
3. The issuance of a Short-Term or Long-Term Rental License is not a warranty or guarantee that the premises are lawful, safe, habitable, or in compliance with this chapter.
4. If there is reason to believe that any provision of this chapter is being violated, the Code Official may enter onto premises for the purpose of inspecting the premises, as well as any and all buildings and/or structures located thereon, to ascertain the existence of violations. Prior arrangements must be made with the owner/occupant or owner's agent to secure access thereto, provided that nothing herein prevents the Code Official from obtaining an administrative inspection warrant to search the property.

Part 6. ENFORCEMENT AND PENALTIES; APPEALS; HEARINGS

§11-601 Enforcement and Penalties.

1. If it appears to a Code Official that a violation of this chapter exists or has occurred, the Code Official shall send a written notice of violation to the owner by (i) personal

delivery; (ii) or by both United States first class and certified mail; or (iii) posting the notice on the front door or at another conspicuous location on the property. The notice shall identify the premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this chapter which are violated, indicate the action required to correct the violation, and provide ten calendar days after the day the notice is served to correct the violation.

2. The Pennsylvania State Police (PSP) may also be notified of these violations and locations.
3. This chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
4. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this chapter shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day that a violation exists or continues shall constitute a separate violation. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid to the Township for its general use.
5. If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for a violation of this chapter.
6. The appropriate officers or agents of the Township are hereby authorized to also seek equitable relief, including injunction to enforce compliance with this chapter. The Code Official may revoke or deny an application to renew a license for any uncured or repeated violations of this chapter during any twelve-month license term. The revocation or denial to renew a license shall continue for one year for any uncured or repeated violations.

§11-602 Appeals.

Appeals of a determination of the Code Official under this chapter to deny, fail to renew or to revoke any application or license shall be filed with the Board of Supervisors within 30 days of the Code Official's determination. 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 the Township Supervisors, which may include notice and advertising costs, stenographic costs and necessary administrative overhead in relation to the hearing.

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.

§11-603 Hearings.

The Board of Supervisors shall conduct hearings and make decisions pursuant Local Agency Law, [December 2, 1968 (P.L. 1133, No. 353)](2 Pa.C.S. §551 *et seq.*) and in accordance with the following requirements:

1. Written notice shall be given to the appellant, the Code Official, 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 of the Board 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 advice from their solicitor, unless the parties are afforded an opportunity to contest the 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.

SECTION 2. Repealer

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. Revisions

The Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinances, including this chapter.

SECTION 4. Severability

In the event any provisions, sections, sentences, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance Amendment, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

SECTION 5. Effective Date

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Londonderry Township as provided by law.

DULY ORDAINED and ENACTED this ____ day of _____, 2024, by the Board of Supervisors of Londonderry Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS
LONDONDERRY TOWNSHIP**

Secretary

By: _____
Chairman