

Chapter 575
ZONING

[HISTORY: Adopted by the Bellefonte Borough Council of the Borough of Bellefonte as indicated in article histories. Amendments noted where applicable.]

ORDINANCE TO AMEND THE BELLEFONTE BOROUGH CODE BY ADDING SHORT-TERM RENTALS
TO SUPPLEMENTAL REGULATIONS.

BE IT RESOLVED AND ORDAINED, by the Bellefonte Borough Council, Centre County, Pennsylvania, and the authority of the same, does hereby adopt, made this 17th Day of January 2023, by amending the Code of the Borough of Bellefonte of Pennsylvania, with the addition of ordinance in Chapter 575, Article XIII Supplemental Regulations, as follows.

§ 575, Article XIII: Supplemental Regulations
Short-Term Rentals

§ 575-01. General Provisions

[Adopted 6-21-2012xx-xx-2022 by Ord. No. O-12-01xxx; amended 12-3-2020 by Ord. No. O-20-09] This chapter shall be known and may be cited as the Borough of Bellefonte Short Term Rental Ordinance.

§ 575-02. Purpose and intent.

- A. To establish the regulations, procedures and standards for the review and approval of all short-term rental units in the Borough of Bellefonte;
- B. To preserve and foster public health, safety, and general welfare, and to aid in the harmonious and orderly development of both the residential and commercial districts of the Borough in accordance with the Regional Comprehensive Plan;
- C. To establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of short-term rental units; and equitable with regard to regulations and procedures, while respecting the rights of all property owners and residents;
- D. To ensure the safety of structures that are used as short-term rentals; and
- E. If in violation of this article, penalties exist to ensure compliance to protect the health, safety, and general welfare of the residents of the Borough of Bellefonte and those utilizing the dwellings described herein.

§ 575-03. Applicability.

No person, firm, or corporation shall rent or lease to another, or advertise for rent or lease, or provide for short-term occupancy, any dwelling unit, rooming unit, or portion thereof, until the regulations contained herein have been met and a short-term rental permit has been received.

§ 575-04. Definitions.

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section, as well as those terms defined in Chapter 152, Property Maintenance Code. All words and terms not defined herein shall be used with meaning of standard usage.

DESIGNATED AGENT OR PERSON IN CHARGE - A licensee or designated person in charge who has been assigned by the property owner (client) to represent said client. The designated agent or person in charge must be at least 21 years of age and reside within 25 miles of the Borough centered by the location of the County Court House and must be locally available 24/7 whenever the property is being rented.

DWELLING UNIT – a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

PRE-EXISTING NON-CONFORMING USE -- any use, whether of a building or tract of land or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.

SHORT-TERM RENTAL — Any dwelling unit, or portion thereof, that is offered for rent as a living facility in increments of 29 consecutive nights or less.

§ 575-05. Short Term Rental Establishments.

The following conditions are intended to provide for the siting and operating of Short-Term Rental establishments within the Borough of Bellefonte while providing reasonable protection to the municipality and to the neighborhood in which the facility will be located against possible detrimental effects. In addition to the underlying district regulations specified in this chapter, all Short-Term Rental establishments shall meet the following requirements.

- A.** Short-Term Rental establishments may be owner occupied or non-owner occupied.
- B.** Pre-existing Short-Term Rentals in the R-1 and R-2 Districts are non-conforming to the guidelines of the residential districts. For this purpose, Short-Term Rentals that have been permitted, prior to the date of enactment of this ordinance through the Borough of Bellefonte Zoning Office and the Borough of Bellefonte contracted Building Safety and Property Code agency shall be allowed to continue as non-conforming. No

additional Short-Term Rentals will be permitted in R-1 and R-2 Zoning Districts. The new owner of the property holding a Short-Term Rental permit must apply for a new permit within one year of the transfer of sale.

- C. Failure to maintain Short-Term Rental status in the R1 and R2 residential district for one-year shall constitute abandonment of the non-conforming use and permit.
- D. The person renting out the dwelling unit must be the property owner of record. No subletting of Short-Term Rentals is permitted.
- E. The owner of the property, a designated agent, or person in charge must be 21 years of age and available 24/7.
- F. The occupancy of a Short-Term Rental dwelling may not exceed the occupancy limit set by the Borough of Bellefonte's contracted code agency. A Short-Term Rental may not advertise an occupancy greater than that established by the contracted code agency.
- G. Short-Term Rental permits shall be renewed annually by providing the following as noted in Section 575-06.
- H. Each short-term rental is permitted a maximum of two on-street parking spaces as allowed in Article XIX of this chapter, entitled "Off-Street Parking and Loading." All other parking must be off-street. All such parking shall be unobtrusive. Parking within a Conservation District shall be located and/or landscaped in such a manner that it is screened from the view of adjacent properties.
- I. The maximum number of parking spaces both on and off-street cannot exceed the number of bedrooms on the property.
- J. The building and parking areas shall be located in a manner compatible with the general character of the surrounding neighborhood. Exterior alterations, additions, or changes to the dwelling unit in order to accommodate or facilitate a Short-Term rental establishment shall retain the residential character of the dwelling unit and the surrounding neighborhood.
- K. Signage for Short-Term Rental establishments is optional, but shall be consistent with the requirements set forth in the Boroughs Signage Ordinance.
- L. Information such as Police, Fire, and EMS phone numbers as well as rules, nuisance ordinances, parking restrictions, maximum occupancy, and phone number(s) and name of designated agent or person in charge, who is (required to be 21 years of age and available 24/7 hours) must be posted in a conspicuous location in addition to any other rules of any district.

Letters Below changed to reflect deleted sections.

- M.** No outdoor storage shall be permitted other than that which is permitted under Zoning.
- N.** Short-term rental properties operating in the R-1 and R-2 residential districts may be rented out for a maximum of sixty (60) nights per year.
- O.** Short-term rental properties operating in the commercial districts may operate 365 nights per year.
- P.** Rentals in the commercial district can operate as both short-term and long-term rentals, with a short-term rental defined as a maximum of 29 consecutive nights.
- Q.** In order to ensure compliance with all aforementioned criteria, the applicant shall be required to submit a general site plan, obtain a Zoning Permit, and satisfy the requirements of the Borough of Bellefonte's adopted International Property Maintenance Code prior to receiving requests for compensation.
- R.** Permits required for the establishment of, and operation of a Short-Term Rental property shall not be transferrable upon the sale of the subject property. When the property transfers, the new property owner will need to apply for a continuance of the permit in the new property owner's name within one year of the sale of the property. If the permit is not transferred within the R1 or R2 districts, the permit/use will be considered as abandoned and the property can no longer be rented as a short-term rental within the R-1 and R-2 district.
- S.** Short-Term Rental properties shall comply with all applicable federal, state, and local laws.
- T.** Use of a single-family detached residential dwelling unit as a short-term rental shall not constitute an abandonment of single-family residential use as a use by right.
- U.** Consideration may be given to renting out a qualified accessory building as a second short-term rental with a second STR permit if:
 - 1. The accessory building meets the complete definition of a dwelling unit in order to be rented out separately from the main building.
 - 2. Each building unit that is used as a short-term rental shall have a separate permit.

3. The renting of other types of accessory structures or amenities including but not limited to swimming pools, gazebos, porches, finished basement, meeting rooms, etc. are strictly prohibited.
- V. The person renting out the dwelling unit must be the property owner of record. No subletting of short-term rentals is permitted.

575-06. Application for Short-Term Rental Permit

- A. Every person engaging in a Short-Term Rental business shall annually file an application for a Short-Term Rental permit and pay a fee per unit as established by Council resolution. The application shall be filed within 30 days of the start of a Short-Term Rental business, or the effective date of this ordinance. The application shall be on a form prescribed by the Borough and shall contain:
1. The name, address, telephone number, and email address of the property owner.
 2. If applicable, provide the DBA (Doing Business As) name that will be used for the property.
 3. The address and unit number in the Borough from which the business is to be conducted.
 4. The permanent address of the applicant.
 5. The applicant's tax identification number.
 6. **Either** a listing of months and dates owner making the property a principal residence will be living in the dwelling **or a presentation of a copy of the homeowner's homestead exemption.**
 7. Total square footage of the dwelling and total square footage of the dwelling that will be used as a Short-Term Rental.
 8. Number of bedrooms rented as a Short-Term Rental use.
 9. The name, address, telephone and email address of the Person in Charge (PIC) that is located within twenty-five (25) miles of each Short-Term Rental property. The designated agent or person in charge must be at least 21 years of age and reside within 25 miles of the Borough centered by the location of the County Court House and must be locally available 24/7 whenever the property is being rented.
 10. Certification that the operator will provide no more than two on-street parking spaces, with a maximum number of spaces on and off the property equal to the number of bedrooms.
 11. Confirmation that the operator is aware the Borough of Bellefonte will provide information submitted on this application to the relevant taxing authorities.
 12. Such other information as the Borough of Bellefonte may require to achieve the objectives of this ordinance.
 13. Proof of insurance specifically for Short-Term Rental

14. Proof of registration and payment of hotel tax
 15. In addition to the declared Short-Term Rental dates, property owners are required to keep a detailed schedule/calendar that provides all rental periods.
 16. Upon renewal of permit, a record of all dates the dwelling was used in the previous year as a Short-Term Rental property. Failure to provide accurate records or providing fraudulent records will constitute a violation of the renewal period.
- B. Attached to, and concurrent with submission of the application, the owner shall provide a notification letter stating:
1. A description of the operation and number of bedrooms that will be rented.
 2. How to contact the owner of the Short-Term Rental property, and the Person-in-Charge (PIC).
- C. Attached to, and concurrent with submission of the application, the owner shall provide proof of general liability insurance in an amount sufficient for Short-Term Rental activity, and an insurance declaration that clearly indicates coverage specifically for rental or include written acknowledgment of same from the insurance provider. The applicant shall notify the Borough of Bellefonte of any changes in insurance policies for the property under license.

575-07. – Hazard and Liability Insurance

All property owners renting a dwelling unit or portion thereof for occupancy in the Borough of Bellefonte as a Short-Term Rental, shall obtain and maintain minimum insurance coverage as indicated below.

- A. General liability insurance in an amount sufficient for Short-Term Rental activity.
- B. Insurance declarations shall clearly indicate insurance coverage specifically for rental or include written acknowledgement of same from insurance provider.
- C. The applicant shall notify the Borough of Bellefonte of any changes in the insurance policy.

575-07. Borough Responsibilities

- A. The Bellefonte Borough Zoning Officer shall approve or deny any application for a short-term rental permit within 30 days of a completed application being received.

- B. The Zoning Officer shall keep records of all Short-Term Rentals permitted within the Borough.
- C. Fees for permits required under the provisions of this chapter shall be set per unit by the Bellefonte Borough Council on an annual basis.
- D. The Borough shall collect the annual fee per unit with the required annual reports and paperwork for each Short-Term Rental permit granted or renewed.

575-08. Violations and penalties; revocation of residential rental permit.

- A. Occupancy Without a Permit. It is unlawful to rent, offer to rent, or advertise for rent a dwelling unit located on any property within the Borough as a Short-Term Rental without a permit authorizing such use that has been approved and issued in the manner required by this ordinance.
- B. Revocation. Any owner of a property covered by this article shall be subject to the regulations set forth in the Property Maintenance and Fire Code, which may result in the revocation or suspension of a short-term rental permit pursuant to the above referenced code.
- C. Permit Violations. Any short-term rental property owner of a dwelling unit or portion thereof who rents or advertises for rental of a dwelling unit without first receiving a short-term rental permit pursuant to this article, or without renewing said permit pursuant to renewal sections of this article shall be considered to be in violation of this chapter and shall be subject to the following:
 - 1. Upon discovery of a violation of this article, the Borough of Bellefonte shall notify the property owner of the violation by written notice sent via certified mail or delivered in person with signature of receipt.
 - 2. The property owner who is in violation of this article shall be given 30 days to remedy the violation by applying for or renewing the short-term rental permit with the Borough of Bellefonte.
 - 3. Upon expiration of the aforementioned 30 days, the property owner shall be fined for each day that the property is rented.
- D. Property Maintenance. Properties with a Short-Term Rental permit are subject to the requirements shall meet all code enforcement requirements as contracted by the borough for codes enforcement and as required and updated by the Commonwealth of PA for enforcement of permit suspension.

- E. Complaints. Complaints including, but not limited to, noise, parking, and criminal violations shall be reported to the police or 911.
- F. Penalties. Any violations of nuisance or ordinance laws in any calendar year/permit cycle shall result in penalties and/or fines.
 - 1. First offense. Written warning/notice of violation sent to the owner via certified mail or hand delivered with signature of receipt;
 - 2. Second offense. Minimum \$500 fine to be paid by the owner; and
 - 3. Third offense. Increased fine of a minimum of \$1,000 to be paid by the owner
 - 4. Fourth offense. Calendar year/ permit cycle suspension of rental permit. If in the R-1 or R-2 residential district, this suspension constitutes a loss of the short-term rental as non-conforming status.
- G. Right of Appeal. Any person in violation of this ordinance shall have the right to appeal to the Zoning Hearing Board of the Borough of Bellefonte.

575-09. Severability

If any sentence or clause, section, or part of this Ordinance is found to be unconstitutional, illegal, or invalid, such findings shall not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this Ordinance would have been adopted had such a part been included.

ENACTED AND ORDAINED, into an Ordinance this 17th day of January, 2023, by the Council of the Borough of Bellefonte in lawful session assembled.

ATTEST:

BOROUGH OF BELLEFONTE:

Ralph W. Stewart, Borough Manager
Secretary

Doug Johnson, Council President

AND NOW, to wit, this 17th day of January, 2023 the within and above Ordinance is approved.

Gene “Buddy” Johnson, Mayor