

ORDINANCE NO. 3 OF 2024
SHORT TERM RENTAL ORDINANCE FOR
JENKINS TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

BE IT ORDAINED AND ENACTED by the Jenkins Township Board of Supervisors, Luzerne County, Pennsylvania, as follows:

§101. Title. This Ordinance shall be known and may be cited as the “Short Term Rental Ordinance.”

§102. Purpose. The purpose of this Ordinance is to require the owner or owners of a residential dwelling unit who has received zoning approval to use the dwelling as a short-term rental, as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this Ordinance in order to protect and promote the public health, safety and welfare.

§103. Definitions. The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

“Adult” means a person who is 18 years of age or older.

“Board” means the Jenkins Township Board of Supervisors.

“Certified Code Official” means the person holding commercial or residential inspection certifications with the Pennsylvania Department of Labor and Industry, or a property maintenance certification through International Code Council, who performs the inspection of the short-term rental to ensure compliance with the 2012, or most recent edition of International Property Maintenance Code (IPMC).

“Code Official” means the person appointed by the Jenkins Township Board of Supervisors to administer and enforce this Ordinance.

“Conspicuously Posted” means in a manner that a reasonable person would not believe they were trespassing while viewing the posted permit at the short-term rental.

"Owner" means the person or entity holding legal and/or equitable title to the short-term rental.

“Person” means any natural person, individual, partnership, firm, association, corporation, or other entity.

"Short-term rental" means the rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for at least two consecutive nights, but no more than 30 consecutive calendar days in duration, in a zoning district where residential uses are allowed, including, but not limited to, detached single-family dwellings, two-family dwellings, condominiums, duplexes, triplexes, townhomes and multiple-family dwellings.

“Structure” means any man-made object having an ascertainable stationary location at any given time on land or water.

§104. Permit Required. No owner of a short-term rental shall rent, offer to rent, or advertise for rent the short-term rental to another person without a valid short-term rental permit approved and issued in the manner provided for by this Ordinance.

§105. Permit Application; Fee. The application for a short-term rental permit shall be made by the owner to the Code Official accompanied by a fee established by resolution of Board of Supervisors. The permit fee shall not be prorated when applied for during a calendar year and shall be valid for the year in which it is issued and the following year. The application shall contain the following information:

A. The name, address and telephone number of the owner of the short-term rental for which the permit is to be issued.

B. The name, address and telephone number of the Agent, when required, of the Owner of the short-term rental.

C. Evidence that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2012, or most recent edition of the International Property Maintenance Code by a person who holds current commercial and residential inspection certifications with the Pennsylvania Department of Labor and Industry. All applications for a short-term rental permit shall include a dated inspection report in the year the application is made, which includes the name, city and certification number of the certified code official performing the inspection.

D. Proof of general liability insurance with a minimum amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Township harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the permitting of the short-term rental.

E. Such other information as the Code Official may deem appropriate to show compliance with all Jenkins Township Ordinances.

§106. Inspection. Prior to the issuance of a Permit under this Ordinance, the owner of the short-term rental shall permit the Certified Code Official appointed by the Township to inspect the short-term rental unit to ensure that the rental unit is in compliance with the 2012, or most recent edition of the International Property Maintenance Code.

§107. Permit Renewal. A short-term rental permit shall be valid for the calendar year in which it is issued. The owner shall renew a short-term rental permit by re-applying annually on or before December 31st.

§108. Conditions of Permit. All permits and renewals issued pursuant to this Ordinance are subject to the following standard conditions:

- A. The owner of the short-term rental passing the inspection set forth under Section 106 above and complying with the 2012 , or most recent edition of the International Property Maintenance Code, which is herein adopted for purposes of this Ordinance.
- B. The owner shall provide proof that short-term rental is not prohibited by any applicable property owners or homeowner association or any declaration of conditions, covenants and/or restrictions. If not permitted, the Township will notify the Property Owners or Homeowner Association of the issuance of the permit as the Code Official cannot enforce a private covenant and this Ordinance is separate from any private covenant.
- C. A dated inspection report under Section 106 that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2012, or most recent edition of the International Property Maintenance Code.
- D. The owner shall provide proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Township harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the short-term rental.
- E. The owner furnishing to the Code Official a 24-hour emergency contact phone number for a person who will be available to respond to complaints.
- F. The short-term rental must have a minimum of two off-street parking space for each bedroom. However, the maximum number of vehicles allowed at the short-term rental shall be limited to the available number of off-street parking spaces provided on the same property as the short-term rental.
- G. Short-term rentals shall be used only for overnight lodging accommodations.
- H. All advertising for the short-term rental shall include the Township issued permit number.
- I. The primary overnight and daytime occupant of the short-term rental must be an adult individual. This primary adult occupant must provide a telephone number to the Owner and shall be accessible to the Owner by telephone at all times.
- J. Prior to renting, the Owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The Owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the short-term rental with the provisions of this Ordinance. This information shall be readily available upon request of the Code Official.
- K. The owner shall ensure that the occupants of the short-term rental do not violate any Township Ordinance or regulations, or State or Federal Law. Owners are expected to take all measures necessary to ensure that the occupants of the short-term rental do not violate any Township Ordinance, regulation, or State or Federal Law, including notifying law enforcement, and the Code Official.

L. The Code Official shall have the authority at any time to impose additional uniform or standard conditions, applicable to all short-term rentals, as necessary to achieve the objectives of this Ordinance.

§109. Posting of Permit; Limitation on Permit.

- A. Posting of Permit. Short-term rental permits shall be conspicuously posted on the property being rented during the appeal period set forth under Section 112 (C) below.
- B. Limitation on Permit. Short-term rental permits are not transferable from one owner to another owner. Upon the sale or transfer of a short-term rental, a new owner is required to secure a new short-term rental permit.

§110. Denial of Permit. No application for an initial or renewal permit shall be denied if it is in compliance with this Ordinance. If a short-term rental permit is denied, the Code Official shall send the owner written notice of the denial along with the reasons for denial. The owner has the right to appeal the denial of a permit under Section 112 below.

§111. Revocation of Permit. Any short-term permit issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this Ordinance has occurred after the issuance of the Permit. A permit may only be revoked by the Code Official after written notice to the owner describing the violation of this Ordinance or the condition of the permit citing the applicable sections of this Ordinance. The owner has the right to appeal the revocation of a permit under Section 112 below.

§112. Notice/Service; Corrective Measures; Appeal Rights.

- A. Notice/Service. The Code Official shall have authority to give notice, by personal service, posting of the short-term rental, or by regular United States mail, postage prepaid, to any owner violating this Ordinance, or when denying or revoking a permit.
- B. Corrective Measures. For a violation, the notice shall direct compliance with this Ordinance within ten (10) calendar days following service of the notice. Any notice issued for a violation of this Ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation is for the same section of this Ordinance and the violation occurs within the same calendar year.
- C. Appeal. Any person directly affected by a determination of the Code Official shall have the right to appeal to the Board of Supervisors, provided that a written application for appeal is filed within ten (10) calendar days after the day the notice was served or the permit issued.
- D. Stays of enforcement. Appeals of notices or permits issued by the Code Official shall stay the action or enforcement of the notice until the appeal is heard by the Board.

§113. Enforcement. The Code Official of the Township is charged with enforcement of the provisions of this Ordinance.

§114. Penalties. Any person or owner who violates or permits the violation of this Ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of

not more than one thousand (\$1,000.00) plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; OR a civil penalty of not more than six hundred (\$600.00) Dollars together with court costs and reasonable attorney fees. A violation of this Ordinance shall arise for each day of the violation; and each applicable section of the ordinance.

§115. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§116. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

§117. Effective Date. This Ordinance shall become effective within 30 days following its adoption.

ENACTED AND ORDAINED by the **BOARD OF SUPERVISORS** of the **TOWNSHIP OF JENKINS** at a duly advertised meeting held this 17th day of July, 2024.

IN WITNESS THEREOF, I affix my hand and attach the seal of Jenkins Township this 17th day of July, 2024.




Stanley E. Rovinski, Chairman
Jenkins Township Board of Supervisors



Joseph Sperrazza, Vice Chairman
Jenkins Township Board of Supervisors

SEAL





Robert Linskey, Secretary
Jenkins Township Board of Supervisors

SHORT-TERM RENTAL APPLICATION
JENKINS TOWNSHIP, LUZERNE COUNTY
PENNSYLVANIA

Jenkins Township Municipal Building
46¹/₂. Main Street
Inkerman, Pennsylvania 18640
Phone: (570) 654--3315
Fax: (570) 654-3316

Permit Fee: \$250.00 (All checks made Payable to: "Jenkins Township")

SECTION 1. PROPERTY LOCATION AND OWNERSHIP INFORMATION:

A. Property Address and Location: _____

B. Deed Owner and Address: _____

Contact Number: (_____) _____ - _____

C. Deed Book: _____ Page: _____ Property Identification No. _____

D. Zoning District: _____

SECTION 2. APPLICANT INFORMATION, IF DIFFERENT THAN OWNER:

A. Applicant's Name and Address: _____

Contact Number: (_____) _____ - _____

B. Interest in Property:

Record Owner

Manager

Option Holder

Buyer Under Agreement of Sale

Other _____

SECTION 3. 24-HOUR EMERGENCY CONTACT INFORMATION, IF DIFFERENT THAN OWNER:

A. Name and Address:

Contact Number: (_____) _____

B. The owner of the short-term rental is the person responsible for compliance with the provisions of this Ordinance.

SECTION 4. INSURANCE INFORMATION (must check box below to indicate general liability insurance in the minimum required limit is attached to this application):

Proof of general liability insurance is attached. The owner is required to provide proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) combined single limit.

SECTION 5. INSPECTION INFORMATION (must check box below to indicate an inspection report is attached to this application):

A dated inspection report is attached. Evidence that the short-term rental has been inspected in the year in which the permit is being issued for compliance with the 2012 International Property Maintenance Code, and the applicable Jenkins Township Building Codes by the Certified Building Inspector appointed by the Township.

SECTION 6. RELEASE AND INDEMNIFICATION (must check boxes and initial below to indicate agreement to the Release and Indemnification):

RELEASE. The undersigned (including the Owner, Applicant and Manager), and their personal representatives, heirs, successors and assigns, do hereby release, remise, acquit, quitclaim and forever discharge the Jenkins Township, and its elected and appointed officials, employees, contractors, consultants, successors and assigns (collectively "Jenkins Township"), of and from all claims and losses, known or unknown, which they may have against Jenkins Township with respect to any and all loss or damages or actions or causes of action for personal injury, property damage, or wrongful death (including court costs and attorney fees) occurring as a result of the short-term rental.

Initials: _____

- INDEMNIFICATION.** The undersigned (including the Owner, Applicant and Manager), and their personal representatives, heirs, successors and assigns agree that in the event any claim for personal injury, property damage, or wrongful death shall be claimed against Jenkins Township or its elected and appointed officials, employees, contractors, consultants, successors and assigns (collectively “Jenkins Township”), the undersigned will indemnify and hold harmless Jenkins Township from any and all claims or causes of action by the undersigned or by any other person or entity, by whomever or wherever made or presented, and under no circumstances will the undersigned present any claim against Jenkins Township for personal injuries, property damage, wrongful death, or otherwise, caused by any act of negligence by Jenkins Township as a result of the issuance of this permit or the short-term rental unit.

Initials: _____

SECTION 7. OTHER SHORT-TERM RENTAL REQUIREMENTS:

- A. Number of bedrooms: _____

NOTE: Sleeping Space: 70 square feet is required for a room occupied by one person and 50 square feet per person is required for a room occupied by more than one person. See Chapter 4, Occupancy Limits, of the 2012 IPMC.

- B. Number of off-street parking spaces: _____

NOTE: A minimum of one off-street parking space is required for each bedroom in the short-term rental. However, the maximum number of vehicles allowed at the short-term rental shall be limited to the available number of off-street parking spaces provided on the same property as the short-term rental.

- C. Use of Short-Term Rental: _____

NOTE: Short-term rentals shall be used only for overnight lodging accommodations. They may not be used for weddings, conferences, or similar events.

- D. If the Short-Term Rental is located in a planned community or a community that has a property owners or homeowner association, complete the following:

Name and Address of the Property Owners or Homeowner Association:

Contact Number: (_____) _____ - _____

E. Type of Short-Term Rental

Does the owner reside in the dwelling unit _____ YES _____ NO

If the owner does reside in the short-term rental is it less than 183 days per year _____ YES _____ NO

SECTION 8. DECLARATIONS OF OWNER (must check boxes below to indicate agreement):

- All advertising for the short-term rental will include the Township issued permit number.
- The primary overnight and daytime occupant of the short-term rental will be an adult, who will provide a telephone number to the Owner and be accessible to the Owner by telephone at all times.
- Prior to occupancy, the Owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The Owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the short-term rental with the provisions of this Ordinance. This information shall be readily available upon request of the Code Official.
- The short-term rental is not prohibited by any applicable property owners or homeowner association or any declaration of conditions, covenants and restrictions.
- All vehicles at the short-term rental shall have an off-street parking space on the same property as the short-term rental.
- The minimum required general liability insurance will be maintained during the period in which the permit is in effect.
- The short-term rental is in compliance with the 2012 IPMC and all Township Ordinances.

By signing below, the applicant and owner verify that the information contained in this application and the documents attached are true and correct to the best of his/her/their knowledge, information and belief. The applicant and owner understand that false statements made herein are subject to penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities. If the application is not signed by the owner, the applicant certifies that the applicant is authorized by the owner to make this application and the applicant agreed to inform the owner of the approval (with conditions if any) or denial of the application. Any error,

misstatement or misrepresentation of material fact in this application, whether intentional or not, that, if known by the Code Official at the time of issuance of the permit would result in denial of the application, shall constitute a reason revocation of the permit.

SIGNATURE OF APPLICANT

DATE

THE OWNER MUST SIGN THIS APPLICATION OR IT WILL BE DEEMED INCOMPLETE AND BE RETURNED TO THE APPLICANT.

SIGNATURE OF OWNER

DATE

OFFICIAL USE ONLY

Date Received: _____ Fee Paid: _____ Permit No. _____

APPROVED DENIED Date: _____

IF APPROVED, THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

IF DENIED, THE REASONS FOR DENIAL ARE AS FOLLOWS (ATTACH A COPY OF THE DENIAL LETTER TO THIS APPLICATION):

Code Official