

JUNIATA TOWNSHIP
HUNTINGDON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-2

AN ORDINANCE OF THE TOWNSHIP OF JUNIATA, COUNTY OF HUNTINGDON, COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE TOWNSHIP AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES, AND OTHER MATTERS PERTAINING THERETO.

Section 1 – Title

This chapter shall be known as and may be cited as “The Juniata Township Short-Term Rental Ordinance.”

Section 2 – Scope

- A. The provisions of this chapter shall apply to all residential Dwelling Units, conversions of nonresidential structures to residential dwellings, and all existing premises within the Township of Juniata. 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.
- B. This chapter shall not apply to a resort, camp, hotel/motel/inn, bed and breakfast, or boarding or rooming house, as defined within the Ordinance.
- C. The Township supervisors, under the authority granted the Pennsylvania Second Class Township Code, as amended (53 P.S. § 65101) hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of the municipality.

Section 3 – Interpretation

This chapter is not intended to and does not excuse any landowner from compliance with any other Juniata Township ordinances, as amended from time to time. Whenever possible, this Chapter and all other ordinances shall be construed and interpreted as being consistent and not in conflict.

Section 4 – Definitions

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

BEDROOM - A room or space designed to be used for sleeping purposes with two means of egress and near a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms, and similar uses are not considered Bedrooms. Used or intended for general and informal everyday use such as a living room, den, and sitting room or similar is not to be considered a Bedroom.

DAY GUEST – Is a visitor to the Short-Term Rental property who is neither an overnight guest, Person in Charge, or owner of the property on which the Short-Term Rental is located.

DWELLING UNIT – Is a building or portion thereof, providing complete housekeeping facilities for one family or a group of unrelated persons using such facilities in common.

EGRESS – A place or means of going out. For example: a window, a door

OVERNIGHT GUEST - Any individual lodging overnight in a Short-Term Rental for a period of thirty (30) days or less.

PERSON(S) IN CHARGE – Person(s) or agent(s) with actual authority to represent the owner for purposes of emergency and non-emergency contact and communication. A Person in Charge must provide a 24 hour emergency contact number, be able and willing to come to the Short-Term Rental within two hours following notification of a violation of this ordinance and to address any issue that is not capable of being addressed by telephone, and be able to act as the legal agent for the owner. The Person in Charge may be the owner of the Short-Term Rental. The Township shall be notified, in writing, prior to a change in the identity of the Person in Charge. The owner of a Short-Term Rental may designate more than one Person in Charge.

SHORT TERM RENTAL ENFORCEMENT OFFICER - An agent appointed by the Juniata Township Board of Supervisors to administer and enforce the regulations of this ordinance. Will also be referred to as the STR Enforcement Officer or Enforcement Officer.

SHORT-TERM RENTAL - Any Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of a hotel for the purpose of imposing an excise tax by the County of Huntingdon.

SHORT-TERM RENTAL PERMIT - Permission granted by the Township to utilize a Dwelling Unit for Short-Term Rental Use.

STENOGRAPHIC RECORD - The the act of recording spoken words through shorthand using a stenotype machine.

UNCURED VIOLATIONS – An unexcused breach of any material representation of this ordinance.

Section 5 – Permit Required

- A. No owner of any property in Juniata Township shall operate a Short-Term Rental in Juniata Township without having first obtained a Short-Term Rental Permit from the STR Enforcement Officer. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this chapter. Permits may be transferred to any new owner of the property provided an application with updated contact information is submitted to the Township and all prior violations of this chapter have been remedied.
- B. The issuance of a Short-Term Rental Permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Chapter.

Section 6 – Claim of Contract Impairment

It is not the intent of this Ordinance to impair any existing contracts, leases, or reservations that are evidenced by writing. An owner who asserts that the enacted Ordinance impairs a Short-Term Rental contract in effect on or before the adoption of this Ordinance shall submit the contract, lease, or reservation evidence in writing to the Enforcement Officer for review and consideration.

Section 7 – Permit Requirements

- A. Short-Term Rental permit application shall contain all of the following information:
 - 1. The name, address, telephone number and e-mail address of the owner.
 - 2. The name, address, and 24-hour number of all Persons in Charge.
 - 3. A floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in ground or above ground.
 - 4. The total number of bedrooms.
 - 5. If the building is a multi-unit structure, the total number of Dwelling Units in the structure and the diagram of Dwelling Units being used as Short-Term Rentals.

6. A diagram or aerial photograph showing the location and number of onsite parking spaces.
 7. If not on a central sewer system, a septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the last three (3) years for approval by the Sewage Enforcement Officer (SEO).
 8. If on a central sewer system, a “will serve” letter from the owner of the system certifying that sufficient capacity is present for the use of the property as a Short-Term Rental.
 9. Proof of Homeowners insurance.
 10. A copy of the advertisement showing compliance with STR ordinance, number of bedrooms, maximum capacity etc.
 11. Verification that owner has advised occupants of STR standards prior to arrival.
 12. A copy of current Huntingdon County Hotel Room Excise Tax Certificate.
 13. Copy of current Pennsylvania Sales and Use Tax Permit or a signed attestation that a third party collects this on behalf of the Short-Term Rental owner.
 14. Signatures of the owner and any Persons in Charge.
 15. An acknowledgment signed by the owner giving authorization to the Enforcement Officer to enter onto the property to inspect and ensure compliance with the Short-Term Rental Ordinance.
 16. Where applicable, written notice to any homeowner’s association indicating the intent to make application for a Short-Term Rental permit and use the subject property for Short-Term Rental.
- B. A Short-Term Rental permit shall be issued only to the owner of the Short-Term Rental property.
1. A separate Short-Term Rental Permit is required for each Dwelling Unit on individual parcels of land.
 2. For multi-unit buildings and multi-unit dwellings on one parcel of land having common and appropriately sized and approved water and sewage systems, one Short Term Rental Permit shall be required.
 3. A Short-Term Rental Permit shall be effective for one annual term, beginning on the date of which the Supervisors sign the approved application and said fees are paid in full.
 4. A Short-Term Rental Permit must be renewed annually, or upon any change of condition to a Dwelling Unit required by a revision of this Ordinance. A Short-Term Rental permit, or renewal thereof, must be applied for no later than sixty (60) days prior to the commencement of the following term.
 5. The Township will prescribe forms and procedures for the processing of permit applications under this Ordinance.

Section 8 – Short-Term Rental Standards

- A. Overnight guests of a Short-Term Rental shall be limited to two (2) persons per Bedroom plus four (4) persons.
- B. The maximum number of day guests allowed at any one time, in addition to the overnight guests, shall be Seventy-Five (75%) of the maximum overnight occupancy of the Short-Term Rental.
- C. The number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. Where there is no sewage permit on record, the Short-Term Rental shall be limited to three bedrooms unless proof is provided to the Sewage Enforcement Officer (SEO) that the septic system is adequate to handle additional flows. Any Short-Term Rental advertising more than five bedrooms shall provide proof that the septic system is adequate to handle such flows by having a system approved by the Sewage Enforcement Officer (SEO), or by providing a septic permit previously issued by a Sewage Enforcement Officer (SEO). If a sewage system malfunction occurs, Short-Term Rental of the Dwelling Unit shall be discontinued until the malfunction is corrected in accordance with the Township and Pennsylvania Department of Environmental Protection requirements.
- D. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental guests include spaces in any private, community, or public street, right of away, or on any lawns or vegetated areas.
- E. Neither Short-Term Rental occupants, nor their guests, shall engage in disorderly conduct or disturb the peace and quiet of any neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, quarrelling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The owner and/or person in charge shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, that engage in disorderly conduct or violate a Juniata Township Ordinance, any state law pertaining to noise or disorderly conduct, including but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances, or regulations regarding their occupancy.
- G. The owner and/or person in charge shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of this Ordinance, another Township Ordinance or Regulation, 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.

- H. Occupancy of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of Short-Term Rentals is prohibited.
- I. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.
- J. Fireworks and floating lanterns are prohibited.
- K. Subleasing all or a portion of the Dwelling Unit is prohibited.
- L. All Short-Term Rentals shall have a clearly visible and legible notice posted within the Dwelling Unit containing the following information (Use the standard notice forms and format which are available from the STR Enforcement Officer):
 - 1. The name of the owner of the unit or person in charge and a telephone number at which the party can be reached on a 24-hour basis.
 - 2. The 911 address of the property.
 - 3. The maximum number of occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one time.
 - 4. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be 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.
 - 5. The trash pick-up day and notification that trash and refuse shall not be left or stored outside of designated receptacles on the exterior of the property. The storage, collection, and disposal of refuse & garbage shall be conducted as to create no health hazard, rodent harboring, insect breeding areas, accidents, fire hazards, or air pollution. In addition, containers must have a lid with a latch or similar device to prevent animals from getting into or tipping over the containers, and comply with all regulations governing refuse handling, storage and disposal and shall be subject to review and approval by the Township Board of Supervisors and Planning Commission. 'Portable' waste equipment containers and dumpsters must be placed in an 'approved' location which is screened by fencing or plantings that obscure the equipment from adjacent properties. On trash Pick-up day, 'Portable' type containers must be removed from the trash pick-up area and returned to the 'approved' storage site within 12 hours.
 - 6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating any of the provisions of this Ordinance, another Township Ordinance or Regulation, or state law, including parking and occupancy limits.
 - 7. Notification that Short-Term Rental occupants and guests are required to make the property available for inspection by the Enforcement Officer upon request.
 - 8. A full copy of this Ordinance and a copy of the Short-Term Rental Permit.

9. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental permit and the violation of which may result in a revocation of that permit by the Enforcement Officer.

Section 9 – Fees, Term, and Renewal

- A. An initial application fee, payable to Juniata Township, in the amount of Three Hundred Dollars (\$300.00) shall accompany the first application for a Short-Term Rental Permit made by an Owner.
- B. All Short-Term Rental Permits must be renewed upon the completion of the term for which they were issued. A renewal fee, payable to Juniata Township, in the amount of One Hundred and Fifty Dollars (\$150.00), shall accompany all renewal applications for each Short-Term Rental Permit made by an Owner.
- C. All Short-Term Rental Permit applications and renewal applications shall contain all the information required in Section 7 of this Ordinance.
- D. Verification that all owed hotel taxes have been paid shall be submitted in the form of the four most recent Huntingdon County Hotel Excise Tax Quarterly Reports.

Section 10 – Short Term Rental Enforcement Officer

The Juniata Township supervisors and any appointee are hereby appointed as the Enforcement Officers for purposes of enforcement of this ordinance. The Enforcement Officers shall have the responsibility and authority to administer and enforce all provisions of this ordinance.

Section 11 – Inspections Required

- A. All Short-Term Rentals shall be subject to inspection by the Enforcement Officer to verify application information contained in a permit or renewal application and/or compliance with this Ordinance.
- B. The issuance of a Short-Term Rental Permit is not a warranty that the premises are lawful, safe, habitable, or in compliance with this Ordinance.
- C. In matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessary, prior arrangements must be made with the owner or person in charge to secure access thereto.
- D. When a violation is confirmed by the STR Enforcement Officer a Re-Inspection Fee of One Hundred Dollars (\$100.00) will be assessed to confirm remedy of the violation. Subsequent Re-Inspections will be assessed at that same rate until remedy is achieved.

Section 12 – Marketing

The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Ordinance, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance.

Section 13 – Notice of Violation

If it appears to an Enforcement Officer that a violation of this Ordinance exists or has occurred, Enforcement Officer shall send a written notice of violation to the owner by both United States first class and certified mail. The enforcement 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 Ordinance which are violated, indicate the action required to correct the violation, and provide a time frame, established by the Enforcement Officer based upon the nature of the violation, to correct the violation.

Section 14 – Nuisance

In the interest of promoting the public health, safety, and welfare, and minimizing the burden on Township and community services and impacts on residential neighborhoods posed by Short-Term Rentals, a violation of any provision of this Ordinance is declared to be a public nuisance.

Section 15 – Violations and Penalties

- A. This ordinance 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 criminal procedure. Any person, partnership, corporation, or other entity who violates or permits violation of the provisions of this ordinance shall upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1000 per violation plus all court costs and reasonable attorney's fees incurred by Juniata Township in the enforcement proceedings, and/or be in prison to the extent allowed by law for the punishment of summary offences. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Juniata Township are hereby authorized to seek equitable relief, including injunction to enforce the compliance with this ordinance. All fines, penalties, costs, and reasonable attorney's fees collected for

the violation of this chapter shall be paid to Juniata Township for its general use.

- B. In addition to, but not in limitation of, the provisions of subsection A of this Section 15, the Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental permit for three (3) uncured or repeated violations of this Ordinance during a permit term. The revocation or denial of a Short-Term Rental permit shall continue for a period of six (6) months for the first set of three (3) uncured or repeated violations and for a period of twelve (12) months for a subsequent set of three (3) uncured or repeated violations.

Section 16 – Owners Severally Responsible

If the premises are owned by more than one owner, each owner shall be severally subject to prosecution for violation of this Ordinance.

Section 17 – Appeals

- A. Appeals determination of the Short Term Rental Enforcement Officer under this chapter to deny any application for, or to renew, a Short-Term Rental permit, or to revoke a Short-Term Rental permit, shall be filed with the Board of Supervisors within 30 days of the date of the denial of application or revocation of permit. Appeal 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 resolution, duly adopted by the Board of Supervisors, which may include notice and advertising costs and necessary administrative overhead in relation to a hearing on the appeal.
 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.
- B. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Local Agency Law, 2 Pa.C.S. § 105, et seq., and in accordance with the following requirements:
1. Written notice shall be given to the appellant, the Enforcement Officer, and 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 the rules of the Board of Supervisors, but not less than fifteen (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 hearing 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 address provided by them either by personal delivery or by United States first class mail postage prepaid.
4. The chairmen or acting chairman of the Board of Supervisors or the hearing officer presiding shall have the power to administer rules 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 party 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, and unduly repetitious evidence may be excluded.
7. The Board of Supervisors may but is not required to make a stenographic record of the proceeding. In the event a stenographic record of the proceeding is not provided by the Board of Supervisors, any party or person requiring such stenographic record shall arrange for a stenographer at their expense.
8. The Board of Supervisors shall not communicate, directly or indirectly, with any party or any parties representation in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take any communication, reports, staff memorandum, or other materials, accept advice from their solicitor, unless the parties are afforded an opportunity to test the material so noted; and shall not inspect the site or its surrounding after the commencement of hearings without any party or party's representation, unless all parties were given the opportunity to be present.

Section 18 – Severability

If any section, provision, or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and the intent of this ordinance, and the effective administration thereof.

Section 19 – Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 20 – Effective Date

This Ordinance shall become effective for the annual term commencing January 1 following date of its enactment.

ENACTED AND ORDAINED at a meeting of the Juniata Township Board of Supervisors held this ____ day of _____, _____.

ATTEST:

Leslie McDermott - Secretary

Juniata Township Supervisors:

