

**UPPER MERION TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING SECTION 165-219.8 TO THE UPPER MERION  
TOWNSHIP ZONING ORDINANCE TO REGULATE SHORT TERM RENTAL UNITS  
WITHIN THE TOWNSHIP AND ESTABLISH PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the Board of Supervisors, pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101, *et seq.*, has heretofore enacted a Zoning Ordinance, codified at Chapter 165, of the Code of Ordinances of the Township of Upper Merion (“Township”); and

**WHEREAS**, the Board of Supervisors have met the procedural requirements of the MPC and the Pennsylvania Second Class Township Code, 53 P.S. §65101, *et seq.*, for the adoption of this proposed Ordinance, including advertising and holding a public hearing; and

**WHEREAS**, the Second Class Township Code authorizes the Board of Supervisors to make, amend, and adopt Ordinances that are consistent with the Constitution and Laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens; and

**WHEREAS**, the Board of Supervisors has determined that it is necessary for the proper management and control of the Township and to support the health, safety, and welfare of its citizens to enact legislation as to short term rentals.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Upper Merion Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1.     CODE ADDITION.**

**A. Chapter 165, Zoning, Article XXXI, General Regulations, is hereby amended to provide for a new Section 165-219.8, which provide as follows:**

**§ 165-219.8-1 Title**

This Section shall be known as, and may be cited as, “The Upper Merion Township Short Term Rental Ordinance.”

**§ 165-219.8-2 Scope**

A. The provisions of this Section shall apply to residential dwelling units, conversions of non-residential structures to residential dwellings, and existing premises within the Township of Upper Merion. The owner of the subject property shall be responsible for compliance with the provisions

of this Section and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Section shall be deemed noncompliance by the owner.

B. This Section shall not apply to property located in any Residential zoning district and Short Term Rentals shall be specifically prohibited in the following districts:

1. R-1A Residential;
2. R-1 Residential;
3. R-2 Residential;
4. R-2A Residential;
5. R-3 Residential;
6. R-3A Residential;
7. R-3B Residential;
8. G Residential;
9. HR Residential; and
10. U-R Unit Residential.

#### **§165-219.8-3 Definitions**

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

**DWELLING UNIT** - A residential living area for one household that is used for living and sleeping purposes, which has its own cooking facilities, a bathroom with a toilet and bathtub and/or shower.

**SHORT TERM RENTAL** - Any Dwelling Unit utilized as a single-family residence that is used or otherwise available for rental, leasing, or subleasing, or otherwise marketed as being available for rental, leasing, or subleasing, for the purpose of overnight lodging for a period of twenty-nine (29) days or less.

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

#### **§ 165-219.8-4 Permit Required**

No owner of any property in Township shall operate a Short Term Rental in Township without first obtaining and thereafter maintaining a Short Term Rental Permit from the Zoning Officer. Operation of a Short Term Rental without an active Short Term Rental Permit is a violation of this Section and the Township Zoning Ordinance. Permits may be transferable to any new owner of the property within ninety (90) days of its issuance.

#### **§165-219.8-5 Permit Requirements**

A. Short Term Rental Permit applications shall contain all of the following information:

1. The name, address, 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

24-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.

2. The name, address and 24-hour telephone number of the managing agency, agent or local contact person.
3. The total number of bedrooms and maximum number of overnight guests.
4. If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of Dwelling Units being used as Short Term Rentals.
5. A diagram or photograph showing the location and number of on-site parking spaces.
6. 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 past three (3) years for approval by the Sewage Enforcement Officer. Maximum occupancy shall be limited by the capacity of the sewage disposal system.
7. Proof of compliance with the Act 511 Township tax.
8. Proof of compliance with all applicable county and commonwealth hotel occupancy taxes.
9. Signatures of both the owner and the local managing agent or local contact person.
10. Trespass waiver signed by the owner allowing access to the property for the Enforcement Officer for the purpose of inspection to verify compliance with this Ordinance.
11. Copy of the current recorded deed for the property establishing ownership of the Dwelling Unit.
12. The property owner shall maintain at least \$500,000 in general liability insurance on a Short Term Rental for the full duration of the license term and provide proof of the same to the Township.
13. If applicable, proof of written notice to the Dwelling Unit's condominium or homeowner's association, indicating the intent to make application for and use the subject residential property for a Short Term Rental.

B. A separate Short Term Rental Permit is required for each Dwelling Unit; for Two-Family or Multi-Family Dwellings, a separate Short Term Rental Permit shall be required for each Dwelling Unit being rented, leased, or subleased as a Short Term Rental.

C. The Dwelling Unit is required to pass a Life Safety inspection in order to obtain a Short Term Rental Permit.

#### **§165-219.8-6 Permit Term and renewal**

A. Any Short Term Rental Permit is good for a period not to exceed one (1) year from the date of issuance and must be renewed annually.

B. Short Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Section.

C. The initial issuance of, and each renewal of, a Short Term Rental Permit shall require a Life Safety inspection by the Township. The Dwelling Unit shall be required to pass such inspection in order for a permit to be issued.

D. The application for a Short Term Rental Permit, or a renewal thereof, shall be accompanied by a nonrefundable permit application fee which shall defray the administrative and inspection costs of the Township in an amount set by the Board of Supervisors in the Upper Merion Township Fee Schedule

**§165-219.8-7 Violations**

A. Any violation of this Upper Merion Township Short Term Rental Ordinance shall be subject to Article XXXVII, Miscellaneous Provisions, of the Township Zoning Ordinance.

**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 not addressed in the Ordinance including but not limited to language applying the stricter standard, are hereby specifically repealed.

**SECTION 3. REVISIONS.** The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance amendment shall become effective five (5) days after the date of enactment by the Board of Supervisors.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.** The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS:**

\_\_\_\_\_  
**Anthony Hamaday, Secretary**

By: \_\_\_\_\_  
**Carole Kenney, Chairperson**