

**BOROUGH OF JENKINTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-2

AN ORDINANCE OF THE BOROUGH OF JENKINTOWN, MONTGOMERY COUNTY AMENDING CHAPTER 181, TITLED “ZONING” TO PERMIT, BY SPECIAL EXCEPTION, SHORT TERM RENTAL USE IN THE TRADITIONAL RESIDENTIAL INFILL OVERLAY AND THE TOWN CENTER DISTRICTS ONLY AND ESTABLISHING CRITERIA FOR THE GRANTING OF SAID SPECIAL EXCEPTION USE; AND AMENDING CHAPTER 142 TITLED “RENTAL PROPERTY” TO SET FORTH ADDITIONAL LICENSURE AND REGULATION REQUIREMENTS FOR THE OPERATION OF RENTALS INCLUDING SHORT TERM RENTAL UNITS WITHIN THE BOROUGH; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of Jenkintown (“Borough”), pursuant to the Borough Code, 8 P.A. C.S.A. §§ 101 *et seq.*, and the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 *et seq.*, is authorized to make and adopt Ordinances that revise or amend the Borough’s Zoning Ordinance and to require licensure and regulation of business activities such as short term rentals unless otherwise prohibited by law; and

WHEREAS, the Borough Planning Commission has recommended revising the Borough Zoning Ordinance to allow, by special exception, short term rental uses in the Traditional Infill Overlay and Town Center Districts only, and has also recommended adopting a new Chapter of the Code of the Borough of Jenkintown to establish licensing and regulation requirements for short term rental operations; and

WHEREAS, the Borough, after due consideration at an advertised public meeting and a public hearing, has determined that the health, safety, and general welfare of the residents of Jenkintown Borough will be served by this amendment to the Borough Zoning Ordinance and the adoption of a new Chapter to require licensure and regulation of short term rentals within the Borough.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Jenkintown Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article II, titled “Definitions and Word Usage,” Section 181-4 is hereby amended *to add* the following terms in appropriate alphabetical order:

SHORT-TERM RENTAL

Any rental dwelling unit owned or managed by a person, firm or corporation that is rented for a period of less than 30 consecutive days, but not more than 120 days in any calendar year. Rooming units and rooming house are included in this definition when rented for a period of less than 30 consecutive days, but not more

than 120 days in any calendar year. Any rental dwelling unit rented for a period of less than 30 consecutive days for 120 or more days in any calendar year shall be deemed a hotel.”

SECTION 2. The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article IV, titled “TR Traditional Residential Infill Overlay District,” Section 181-10 titled “Permitted Uses” is hereby amended to add a new Subsection “I” to state as follows with regard to short term rental use to be permitted by special exception:

I. Any of the following purposes when authorized as a special exception:

(1) Short term rentals provided the following additional criteria are met:

- a. A minimum of one (1) off-street parking space per two (2) rentable bedrooms shall be provided. Such parking spaces may be on-site, in permitted street parking (renters to receive a permit for their use), or in nearby off-site parking facilities, to be approved by the Code Enforcement Officer as part of the short term rental license application.*
- b. For efficiency dwelling units, one-bedroom dwelling units, and bedrooms rented in owner-occupied units, street parking will be considered sufficient if no off-street parking is available.*
- c. Overnight renters’ and guests’ parking shall not obstruct spaces in any public street, curbing, sidewalk, pathway, easement of other right-of-way or be located on any lawns or vegetated areas.*
- d. Short-term rental use shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, applicable International Property Maintenance Code, International Fire Code, International Building Code, PA UCC, and any requirements under the Jenkintown Code relating to licensure and reporting requirements as applicable to short term rental operators.*
- e. 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 that the septic system is adequate to handle additional flows. Any short-term rental advertising more than three bedrooms shall provide proof when applying for the Special Exception that the septic system is adequate to handle such flows.*

- f. *Overnight occupancy of a short-term rental shall be limited to lesser of the occupancy limit as permitted by the current Pennsylvania Uniform Construction Code, as amended from time to time, ("UCC"), or as set forth in the following chart:*

<i>Bedroom occupied by one (1) person</i>	<i>Not less than 70 sq. ft.</i>
<i>Bedroom occupied by two (2) people</i>	<i>Not less than 100 sq. ft.</i>
<i>Bedroom occupied by three (3) people</i>	<i>Not less than 150 sq. ft.</i>
<i>Bedroom occupied by four (4) people</i>	<i>Not less than 200 sq. ft.</i>
<i>Efficiency unit occupied by one (1) person</i>	<i>Not less than 120 sq. ft. clear area</i>
<i>Efficiency unit occupied by two (2) people</i>	<i>Not less than 220 sq. ft. clear area</i>
<i>Efficiency unit occupied by three (3) people</i>	<i>Not less than 320 sq. ft. clear area</i>

- g. *Overnight use and occupancy of recreational vehicles, camper trailers, temporary shelters, and tents, and otherwise, outdoor overnight sleeping, at the subject property where the short term rental is located, are prohibited.*
- h. *A property used for short term rental use shall not have any outside appearance indicating a change of use from the surrounding residential uses. No exterior signage or exterior visible advertising posted shall be permitted anywhere on the property or building.*
- i. *All short term rentals shall be equipped with working smoke detectors in each bedroom; and smoke detectors outside each bedroom in common hallways; and smoke detectors on each floor; and a carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove, or any fuel fired appliance, is present and operational; and a carbon monoxide detector if a garage is attached; and a fire extinguisher in the kitchen*
- j. *All short term rentals shall be have GFI outlets for outlets located within six feet of all water sources.*

- k. *All short term rentals shall have aluminum or metal exhausts from dryers.*
- l. *All stairs (indoor and/or outdoor) that are accessible to or used as part of the short term rental shall be in good condition.*
- m. *All swimming pools, hot tubs and spas that are accessible to or used as part of the short term rental shall meet the barrier requirements as indicated in 2018 International Swimming Pool and Spa Code.*
- n. *The owner shall agree to maintain at all times that the property is being used for short term rental use a notice posted within the dwelling unit on or adjacent to or in closest proximity to the front door that contains the following information:*
 - i. *The name of the owner, and if applicable, the person in charge, together with the telephone number(s) at which they can be reached on a twenty-four-hour basis.*
 - ii. *The E-911 address of the property where the short term rental is located.*
 - iii. *The maximum number of overnight renters, and guests, permitted to stay in the short term rental unit at any one time.*
 - iv. *The maximum number of all vehicles allowed to be on the property and the requirement that all vehicles must be parked in the available parking areas on the property and not on any lawn or vegetated area on the property. On-lot parking should be used before street parking.*
 - v. *The trash and recycling pick-up day, and notification that trash and recycling shall not be left or stored on the exterior of the property except in appropriate containers until pick-up day.*
 - vi. *Notification that an overnight renter(s) or guest(s) may be cited and fined for any violation of the Code of Jenkintown Borough.*

SECTION 3. The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article X, titled “TC Town Center District,” Section 181-41 titled “Permitted Uses” is hereby amended to add a new Subsection “D” to state as follows with regard to short term rental use to be permitted by special exception:

D. Special Exception uses.

(1) Short term rentals provided the following additional criteria are met:

- a. *A minimum of one (1) off-street parking space per two (2) rentable bedrooms shall be provided. Such parking spaces may be on-site, in permitted street parking (renters to receive a permit for their use), or in nearby off-site parking facilities, to be approved by the Code Enforcement Officer as part of the short term rental license application.*
- b. *For efficiency dwelling units, one-bedroom dwelling units, and bedrooms rented in owner-occupied units, street parking will be considered sufficient if no off-street parking is available.*
- c. *Overnight renters' and guests' parking shall not obstruct spaces in any public street, curbing, sidewalk, pathway, easement of other right-of-way or be located on any lawns or vegetated areas.*
- d. *Short-term rental use shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, applicable International Property Maintenance Code, International Fire Code, International Building Code, PA UCC, and any requirements under the Jenkintown Code relating to licensure and reporting requirements as applicable to short term rental operators.*
- e. *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 that the septic system is adequate to handle additional flows. Any short-term rental advertising more than three bedrooms shall provide proof when applying for the Special Exception that the septic system is adequate to handle such flows.*
- f. *Overnight occupancy of a short-term rental shall be limited to lesser of the occupancy limit as permitted by the current Pennsylvania Uniform Construction Code, as amended from time to time, ("UCC"), or as set forth in the following chart:*

<i>Bedroom occupied by one (1) person</i>	<i>Not less than 70 sq. ft.</i>
<i>Bedroom occupied by two (2) people</i>	<i>Not less than 100 sq. ft.</i>
<i>Bedroom occupied by</i>	<i>Not less than 150 sq.</i>

<i>three (3) people</i>	<i>ft.</i>
<i>Bedroom occupied by four (4) people</i>	<i>Not less than 200 sq. ft.</i>
<i>Efficiency unit occupied by one (1) person</i>	<i>Not less than 120 sq. ft. clear area</i>
<i>Efficiency unit occupied by two (2) people</i>	<i>Not less than 220 sq. ft. clear area</i>
<i>Efficiency unit occupied by three (3) people</i>	<i>Not less than 320 sq. ft. clear area</i>

- g. Overnight use and occupancy of recreational vehicles, camper trailers, temporary shelters, and tents, and otherwise, outdoor overnight sleeping, at the subject property where the short term rental is located, are prohibited.*
- h. A property used for short term rental use shall not have any outside appearance indicating a change of use from the surrounding residential uses. No exterior signage or exterior visible advertising posted shall be permitted anywhere on the property or building.*
- i. All short term rentals shall be equipped with working smoke detectors in each bedroom; and smoke detectors outside each bedroom in common hallways; and smoke detectors on each floor; and a carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove, or any fuel fired appliance, is present and operational; and a carbon monoxide detector if a garage is attached; and a fire extinguisher in the kitchen*
- j. All short term rentals shall be have GFI outlets for outlets located within six feet of all water sources.*
- k. All short term rentals shall have aluminum or metal exhausts from dryers.*
- l. All stairs (indoor and/or outdoor) that are accessible to or used as part of the short term rental shall be in good condition.*
- m. All swimming pools, hot tubs and spas that are accessible to or used as part of the short term rental shall meet the barrier requirements as indicated in 2018 International Swimming Pool and Spa Code.*

- n. *The owner shall agree to maintain at all times that the property is being used for short term rental use a notice posted within the dwelling unit on or adjacent to or in closest proximity to the front door that contains the following information:*
 - i. *The name of the owner, and if applicable, the person in charge, together with the telephone number(s) at which they can be reached on a twenty-four-hour basis.*
 - ii. *The E-911 address of the property where the short term rental is located.*
 - iii. *The maximum number of overnight renters, and guests, permitted to stay in the short term rental unit at any one time.*
 - iv. *The maximum number of all vehicles allowed to be on the property and the requirement that all vehicles must be parked in the available parking areas on the property and not on any lawn or vegetated area on the property. On-lot parking should be used before street parking.*
 - v. *The trash and recycling pick-up day, and notification that trash and recycling shall not be left or stored on the exterior of the property except in appropriate containers until pick-up day.*
 - vi. *Notification that an overnight renter(s) or guest(s) may be cited and fined for any violation of the Code of Jenkintown Borough.*

SECTION 4. The Code of the Borough of Jenkintown Chapter 142 titled “Rental Property” shall be amended in its entirety to state as follows:

Chapter 142. Rental Property

§ 142-1. Establishment of an annual license fee for rental units.

A. All owners of single-family detached dwellings, two-family buildings, single-family semidetached dwellings, two-family detached dwellings, single-family attached dwellings, townhouses, multifamily dwellings, apartment houses, and any other building, renting their property or a portion of their property as a dwelling unit or as a short term rental as defined in the Borough Zoning Ordinance within the Borough of Jenkintown to nonfamily members shall make application to the office of Code Enforcement of the Borough of Jenkintown for licensing on an annual basis. Forms shall be available for inspection at the Borough of Jenkintown.

B. This article shall not apply to owners of dwellings established by declaration of condominium so long as they own no more than two dwellings within the Borough. If the aforesaid owner exceeds the aforesaid limits, that said owner shall comply with Subsection A. This article shall also not apply to an inn, bed and breakfast, hotel, or group home, as such uses are interpreted or defined under the Borough Zoning Ordinance

C. At the time of application, the owner shall complete an application that shall submitted to Code Enforcement and that may require the following information be provided:

(1) The name, address, telephone numbers and email address of the owner. If the owner will be located over 20 linear miles from the location of the rental property, the owner must appoint and engage a person in charge to fully act on the owner's behalf for any matters pertaining to the short term rental during that period. The owner must provide to the Borough the name, address, twenty-four-hour telephone number and email address of the person in charge who will respond to Borough inquiries in the owner's absence.

(2) A copy of the current recorded deed for the subject property establishing ownership.

(3) A list of current or proposed tenants for the calendar year. That tenant list may include the full legal name of any and all occupants of the dwelling to include those under the age of 18 and any known aliases and address. If a tenant vacates the rental property and is replaced by a new tenant, the owner is obligated to notify the Borough within sixty (60) days and to provide the information required in the aforesaid tenant list about the new tenant to Code Enforcement.

(4) If the rental property is a short-term rental, then the total number of bedrooms and maximum number of overnight renters and guests of any duration, for each dwelling unit to be used as a short term rental.

(5) A diagram or photograph showing the location and number of on-site parking spaces.

(6) A floorplan showing the number, location, and dimensions of living spaces, bedrooms, and bathrooms available to renters.

(7) A certification subject to the provisions of 18 Pa.C.S.A. § 4904 that states that the owner is aware of and intends to comply with the applicable Property Maintenance Code, Fire Code, Uniform Construction Code, and all other Jenkintown Borough

ordinances relating to the use, occupancy, and maintenance of the property such as the Jenkintown Zoning Ordinance.

(8) Proof of compliance with the Borough Business Privilege Tax or any other applicable local taxes.

(9) If applicable, proof of written notice to the rental property's condominium, co-operative, or homeowner's association, indicating the intent to make application for and use the subject property as a rental or as a short term rental, or in the case of a leased property, additional proof of written permission from the lessor to allow a sublease for rental or short term rental use.

(10) Signature of the owner acknowledging receipt, review, understanding of, and agreement to comply with this Section.

D. Applications for rental licenses shall be made on or before November 15 of each year. At the time of the application, each owner needing a license to operate a rental property shall pay a rental license fee on an annual basis as set by resolution of the Borough Council. Notwithstanding any other provisions in this chapter to the contrary, if a person to whom the provisions of this chapter apply fails to obtain a rental license, the Borough may impose a late fee penalty, which penalty shall also be established by resolution of Borough Council. The Borough shall not impose a late fee penalty for failure to comply with the provisions of this chapter until after December 31 of the applicable year.

E. At the time of application, if the owner has had his license suspended or revoked in the previous 365 days, the Code Enforcement Officer reserves the right to deny issuance of the rental license for the following year, which denial may be appealed to the Borough Manager.

F. A separate rental license must be obtained for each rental property. For two-family or multifamily dwellings, a separate rental license shall be required for each dwelling unit being rented or offered as a short term rental. In a multi-family building or residential complex of four (4) or more dwelling units, no more than one (1) short term rental will be allowed per ten (10) dwelling units. So, for example, in a twenty-five (25) unit apartment building only two short term rental licenses may be issued for that building at one time.

G. Upon the application of the owner for a rental license or renewal thereof, Code Enforcement may conduct an inspection of the property to determine and ensure that the residential rental dwelling and each unit contained therein is not a public nuisance or substandard and meets all

applicable zoning, health, safety, and building requirements of Borough as well as general applicable law. All inspections shall conform to the protections guaranteed property owner(s) and/or individuals in the Constitution(s) of the United States and the Commonwealth of Pennsylvania.

§142-2. Definitions and Interpretation.

A. This article is not intended to, and does not, excuse any landowner from compliance with any other chapters, sections or subsections of the Zoning Ordinance, as amended from time to time. Whenever possible, this section and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.

B. It is the intent of this article that the words and terms as used herein shall comport with the International Property Maintenance Code of 2003, the Borough of Jenkintown Zoning Ordinance, and the Borough of Jenkintown Subdivision and Land Development Ordinance.

§ 142-3. Penalties for noncompliance.

A. Whenever the Code Enforcement Officer determines that there is or has been a violation of any provision of this article, or of other applicable codes or ordinances, or of any rules or regulations adopted pursuant thereto, he shall give notice to the owner, operator, occupant, or other responsible person, as the case may be, of such determined violation. Said notice shall be in writing, signed by the Code Enforcement Officer or his agent, and shall include the following:

(1) A statement of the determined violation and the action or actions necessary for compliance.

(2) A reasonable period of time, as determined by the Code Enforcement Officer or his agent, but not less than 10 days' notice, for correction of the determined violation or violations, unless, in the opinion of the Code Enforcement Officer, an emergency condition exists or the violation or violations constitute an immediate threat to the health, safety, or welfare of any individual or individuals.

B. Any person who fails to correct a violation or take a remedial action as ordered by the Code Enforcement Officer or his agent with any requirement of this article or of any of the other applicable codes and ordinances shall be liable, upon conviction, to pay a fine of not more than

\$1,000 plus costs of prosecution, and in default of payment of such fine and costs, to imprisonment not exceeding 30 days, for each and every day the violation exists, which shall be determined to be a separate violation, at the discretion of the Magisterial District Judge or the Court of Common Pleas of Montgomery County

SECTION 5. SEVERABILITY. In the event that any section, sentence, clause, 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 the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER. All ordinances or resolutions or parts thereof 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 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately from and after its approval unless otherwise as required by law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Jenkintown, Montgomery County, Pennsylvania this ___ day of _____, 2025.

ATTEST:

JENKINTOWN BOROUGH COUNCIL

GEORGE LOCKE, MANGER

JAY CONNERS
BOROUGH COUNCIL PRESIDENT

APPROVED:

GABRIEL LERMAN, MAYOR