ORDINANCE NO. ___ - 20__

AN ORDINANCE ADDING CHAPTER 100 TO THE [INSERT] TOWNSHIP/BOROUGH CODE OF ORDINANCES TO REGULATE SHORT TERM RENTAL UNITS WITHIN THE TOWNSHIP/BOROUGH AND ESTABLISH PENALTIES FOR VIOLATIONS.

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CHAPTER 100, SHORT TERM RENTALS

§ 100 -1 Title

This Chapter shall be known as and may be cited as "The [INSERT] Township/Borough Short Term Rental Ordinance".

§ 100-2 Scope

A. The provisions of this Chapter shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Township/Borough of [INSERT]. 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 also not apply to a resort, camp, hotel/motel/inn, bed and breakfast, boarding house, or group home, as defined within the Zoning Ordinance.

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§ 100-3 Interpretation

This Chapter is not intended to, and does not, excuse any landowner from compliance with the [INSERT] Township/Borough Zoning Ordinance, as amended from time to time. Whenever possible, this Chapter and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.

§100-4 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 (one of which may be a window acceptable under the building code) and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms. Space 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.

DWELLING UNIT - One or more rooms, occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family.

PERSON IN CHARGE – A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner's Short Term Rental. A Person in Charge must reside or have an office within approximately fifteen (15) miles of the Short Term Rental Property and be able to act as legal agent for the owner. The Township/Borough must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Person in Charge.

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 "Hotel" for the purpose of imposing an excise tax by the County of Monroe as defined in the County of Monroe Ordinance No. 2004-03, as amended.

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

§ 100-5 Permit Required

No owner of any property in [INSERT] Township/Borough shall operate a Short Term Rental in [INSERT] Township/Borough without first obtaining a Short Term Rental Permit from the Zoning Officer. Operation of a Short Term Rental without such Short Term Rental Permit is a violation of this Chapter. Permits may be transferable to any new owner of the property within ninety (90) days of its issuance.

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§100-6 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. If the owner resides at a location over approximately fifteen (15) miles from the Short Term Rental Property, an agent or local contact person must be selected to act as Person in Charge for the property.

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. Copies of current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax Permit.

8. Signatures of both the owner and the local managing agent or local contact person

9. 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.

10. Copy of the current recorded Deed for the Property establishing ownership.

11. Each owner shall maintain at least at least $500,000 in general liability insurance on the Short Term Rentals for the full duration of their license term and provide proof of the same to the Township/Borough.

12. Written notice to the home owner's association, indicating the intent to make application for and use the subject residential property for a Short Term Rental, when applicable.

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

2. A Short Term Rental Permit is effective for a period of one (1) year, or until any of the conditions of the Short Term Rental which are governed by this Chapter are changed, whichever shall first occur. A Short Term Permit must be renewed annually and also when any of the conditions of the Short Term Rental which are governed by this Chapter are changed.

3. The Township/Borough will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

§100-7 Short Term Rental Standards

A. Overnight occupancy of a Short Term Rental shall be limited to no more than (i) two (2) persons per bedroom plus four (4) additional persons, or (ii) a maximum of fourteen (14) occupants, whichever is less.

B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be seventy-five percent (75%) for 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 (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any Short Term Rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, Short Term Rental of the Dwelling Unit shall be discontinued until the malfunction is corrected in accordance with Township/Borough 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 public street right-of-way or on any lawns or vegetated areas.

E. Neither Short Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.

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F. The owner shall use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the [INSERT] Township/Borough Code or 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 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 the [INSERT] Township/Borough Code 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. Overnight 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 the Short Term Rental 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 on or adjacent to the front door containing the following information:

1. The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.

2. The E-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 parked 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 on the property.

5. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.

6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the [INSERT] Township/Borough Code, including

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parking and occupancy limits.

7. Notification that Short Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.

M. All Short Term Rentals shall be equipped with the following:

1. Smoke detectors in each bedroom;
2. Smoke detectors outside each bedroom in common hallways;
3. Smoke detectors on each floor;
4. GFI outlets for outlets located within six (6) feet of water source;
5. Aluminum or metal exhaust from dryer;
6. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
7. Carbon monoxide detector if garage is attached;
8. Fire extinguisher in kitchen;
9. Stairs (indoor and outdoor) in good condition; and
10. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in Appendix G of the 2009 international Residential Code.
11. Any other occupancy requirements which may be added by Ordinance revision by the Board of Supervisors/Borough Council.

N. Compliance with the requirements of this section shall be considered conditions of a Short Term rental Permit, the violation of which may result in a revocation of that permit by the Enforcement Officer.

§100-8 Fees, term and renewal

A. Short Term Rental fees, payable to [INSERT] Township/Borough upon the filing of a Short Term Rental Permit application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors/Borough Council

B. 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. Short Term Rental Permit renewal fees, payable to [INSERT] Township/Borough upon the filing of a Short Term Rental Permit renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors/Borough Council.

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

D. Verification that all owed hotel and sales taxes have been paid shall be made before Permit renewal is granted.

E. Short Term Rental Permit renewal shall require inspections outlined in Section 100-10.

§100-9 Enforcement Officer

The administrator of this article shall be the Enforcement Officer as appointed by the Township/Borough, which shall include any appointed Assistant Enforcement Officers. The Enforcement Officer shall have the responsibility and authority to administer and enforce all provisions of this Chapter.

§100-10 Inspections Required

A. All Short Term Rentals shall be subject to inspections by the Enforcement Officer to verify application information, Permit, Permit renewal and/or operating requirements.

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.

C. If there is reason to believe that any provision of this Chapter is being violated, the Board of Supervisors/Borough Council may or may cause, through an authorized representative of the Township/Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township/Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.

§100-11 Marketing

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

§100-12 Notice of Violation

If it appears to an Enforcement Officer that a violation of this Chapter exists or has occurred, the Enforcement Officer shall send a written Notice of Violation to the owner by personal delivery or 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 Chapter which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Enforcement

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Officer based upon the nature of the violation) to correct the violation.

§100-13 Nuisance

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

§100-14 Violations and penalties

A. This Chapter 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 of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay a fine of not less than $100 nor more than $1,000 per violation, plus all court costs and reasonable attorney's fees incurred by [INSERT] Township/Borough in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of [INSERT] Township/Borough are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Chapter. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid to [INSERT] Township/Borough for its general use.

B. In addition to, but not in limitation of, the provisions of Subsection A. and §100-13, 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 Chapter in any rolling twelve (12) calendar month period. The revocation or denial to renew a Short Term Rental Permit shall continue for six (6) months for the first set of three (3) uncured or repeated violations, and continue for one (I) year for any subsequent sets of violations.

§100-15 Owners severally responsible

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

§100-16 Appeals

A. Appeals of a determination of the 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/Borough Council within thirty (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/Borough, and shall be accompanied by a fee, the amount of which shall be

established by the Township Supervisors/Borough Council, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.

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/Borough Council shall conduct hearings and make decisions pursuant to the Act of December 2,1968 (P.L. 1133, No. 353), known as the "Local Agency Law", and in accordance with the following requirements:

1. Written notice shall be given to the Appellant, the Enforcement Officer, and to 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 rules of the Board of Supervisors/Borough Council, 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 hearings shall be conducted by the Board of Supervisors/Borough Council. The decision or, where no decision is called for, the findings shall be in writing by the Board of Supervisors/Borough Council within forty-five (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 addresses provided by them either by personal delivery or by United States First Class mail postage prepaid.

4. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths 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 parties 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 or unduly repetitious evidence may be excluded.

7. The Board of Supervisors/Borough Council may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors/Borough Council, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall

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order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.

8. The Board of Supervisors/Borough Council shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

§100-17 Severability

In 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 interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

§100-18 Repealer

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

§100-19 Effective Date

This Ordinance shall become effective five (5) days after enactment.

Adoption
ORDAINED AND ENACTED this _____ day of _____ 20__ by the Board of Supervisors/Borough Council of [INSERT] Township/Borough.

[SIGNATURE BLOCK]

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