

ELDRED TOWNSHIP
MONROE COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE # 2020-05

AN ORDINANCE REGULATING SHORT TERM RENTAL DWELLING UNITS WITHIN ELDRED TOWNSHIP, AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, Short-Term Rental of dwellings has become a significant segment of the tourism economy in Monroe County and surrounding areas; and

WHEREAS, Short-Term Rental of dwellings may provide benefits such as (i) expanding the number and type of lodging facilities in the community and (ii) providing an income opportunity to the owner of a single-family dwelling which may be used to pay the costs for maintenance, upgrades and deferred costs of the property; and

WHEREAS, while some Short-Term Rentals occur without a problem, at other times Short-Term Rentals have resulted in excessive noise, parking, litter, and also triggered concerns regarding septic capabilities, security, public safety, and trespass; and

WHEREAS, the transitory nature of occupants of Short-Term Rentals makes enforcement against the occupants difficult; and

WHEREAS, the provisions of this Ordinance are necessary to prevent Short-Term Rentals from (i) becoming a burden on Township and community services, and (ii) negatively impacting residential neighborhoods in which they are located; and

WHEREAS, this Ordinance provides for a system of permits, property standards, inspections, enforcement, and penalties for violations, for the operation of Short-Term Rental dwellings.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted pursuant to the above authority, as the following:

SECTION 1. TITLE, AUTHORITY, SCOPE, INTERPRETATION AND EXEMPTION

- A. Title - This Ordinance shall be known as, and may be cited as, "The Eldred Township Short-Term Rental Ordinance".
- B. Authority - The Township Supervisors, under the authority granted by Section 1506 – General Powers, Section 1517 – Building and Housing Regulations, Section 1527 – Public Safety, and Section 1529 – Nuisances, of the Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 (P.L. 103, No. 69), reenacted and amended July 10, 1947 (P.L. 1481, No. 567), as amended, hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of Eldred Township (the "Township").
- C. Scope -The provisions of this Ordinance shall apply to all Short-Term Rental of residential dwelling units, conversions of nonresidential structures to residential dwellings, and all

existing premises within the Township, unless exempted as provided herein. The Owner of the subject property shall be responsible for compliance with the provisions of this Ordinance and the failure of an Owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the Owner.

- D. Interpretation - This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Eldred Township Zoning Ordinance, as amended from time to time. Whenever possible, this Ordinance and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.
- E. Exemption - The Short-Term Rental of a dwelling shall be exempt from the requirements of this Ordinance in a calendar year if during that calendar year: (1) the rental of the property does not occur more than two (2) times, and (2) the combined duration of all short term rental days is not more than fourteen (14) days.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows, except where the context clearly indicates otherwise:

BEDROOM - A room or space designed to be used for sleeping purposes with two (2) 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.

DAY GUEST - A visitor to the STR property, but not constituting an occupant.

DWELLING UNIT - Dwelling Unit - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

OCCUPANT - Person staying at the STR overnight. A person located on the STR premises shall be deemed an occupant unless established otherwise by the Owner, person in charge or tenant.

OWNER - Person having legal or equitable ownership of the STR property. If there is more than one such person, then "Owner" shall mean each such person, individually and jointly.

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 twenty (20) miles of the Short-Term Rental Property, be able to respond within one (1) hour of contact or message, and be able to act as legal agent for the Owner. The Township 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 ("STR") - 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. The Short-Term Rental of a dwelling shall be exempt from the requirements of this Ordinance in a calendar year if during that calendar year: (1) the rental of the property does not occur more than two (2) times, and (2) the combined duration of all short term rental days is not more than fourteen (14) days.

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

TENANT - Shall refer to the primary individual who signed an agreement with the Owner or Owner's agent for the temporary use of the STR for 30 consecutive calendar days or less.

SECTION 3. REQUIREMENTS AND STANDARDS

Permit Required - No Owner of any property in Eldred Township shall operate a Short-Term Rental in Eldred Township without first obtaining a Short-Term Rental Permit from the Township Enforcement Officer, as described in this Ordinance. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this Ordinance. Short-Term Rental Permits may be transferable to any new Owner of the property within ninety (90) days of its issuance.

SECTION 4. PERMIT REQUIREMENTS

- A. Application requirements. 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, the 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 Person in Charge, if the Owner intends to employ one. The Person in Charge must maintain an office within a twenty (20) mile radius of the property.
 3. The total number of bedrooms and maximum number of overnight guests.
 4. A floor plan of the residence showing the total habitable floor space, number of bedrooms and location of smoke alarms. The floor plan can be hand-sketched (number of sleeping rooms will be checked against the tax assessor's record). Floor plans shall show details of all levels of the house and any attached structures, location of windows, doors (interior and exterior), and locations of the required smoke detectors including an evacuation plan.
 5. Documented proof of written notification to owners of all adjacent properties. Such proof shall be either the signature of the owner of the adjacent property, a signed receipt of US registered or certified mail addressed to the adjacent owner, or notice from U.S. Postal Service that such mail was refused or not timely accepted.

6. Written notice to the applicable homeowners' association, indicating the intent to make application for and use the subject residential property for a Short-Term Rental, when applicable.
7. If the building is a multi-unit structure, provide the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals.
8. A diagram or photograph showing the location and number of on-site parking spaces.
9. If not on a central sewer system, property owner shall provide: (i) a separate site plan (not included with parking plan) showing the location, approximate age and capacity of the sewage disposal system, and (ii) 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.
10. Copies of current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax Permit.
11. Signatures of both the Owner and the local managing agent or local contact person.
12. Trespass Waiver signed by the Owner allowing access to the property by the Township Enforcement Officer for the purpose of inspection to verify compliance with this Ordinance.
13. Copy of the current recorded Deed for the Property to establish ownership and to provide assurance that the Property is not subject to a restricted covenant prohibiting Short Term Rentals exist.
14. Proof of liability insurance of not less than 1 million (\$1,000,000) dollars per occurrence.
15. The Short-Term Rental property shall comply with the requirements of this Ordinance. The Eldred Township Enforcement Officer shall conduct a pre-permit inspection to ascertain compliance. The Enforcement Officer may engage the services of competent engineers or other consultants to determine if the property is in compliance. The cost of the third party services shall be payable by Township and not the Property Owner.

B. A Short-Term Rental Permit shall be issued only to the Owner of the Short-Term Rental property.

1. In Two-Family or Multi-Family dwellings, a separate Short-Term Rental Permit is required for each Dwelling Unit.
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 Ordinance are changed, whichever shall first occur. A Short-Term Rental Permit must be renewed annually and also when any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed.

3. The Owner, by making application for a Short-Term Rental Permit and/or accepting issuance of a Short-Term Rental Permit, grants permission for any and all inspections.
4. The Township will prescribe forms and procedures for the processing of Short-Term Rental Permit applications under this Ordinance.

SECTION 5. SHORT-TERM RENTAL STANDARDS

- A. Overnight occupancy of a Short-Term Rental shall be limited to no more than three (3) persons per bedroom.
- B. The maximum number of day guests permitted on the property (inside or outside) at any one (1) time, in addition to the overnight occupants, shall be seventy-five percent (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 (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 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. Parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length with adequate aisle space to facilitate access and use. Any expansion of parking areas for a Short-Term Rental requires prior Township approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material.
- 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 music/noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The Owner or its Person in Charge must respond in person at the location of the Short-Term Rental within one (1) hour after notification that the property and/or its use is non-compliant with the requirements of this Ordinance. The fact that the Owner employs a Person in Charge shall not excuse the Owner from personal compliance with this requirement in the event that the Person in Charge does not respond in person as required by this Section.
- G. The Owner shall use his or her 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 Eldred Township Ordinances 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.

- H. 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 Eldred Township Ordinances or state law pertaining to noise or disorderly conduct, promptly use his or her best efforts to prevent a recurrence of such conduct by those occupants or guests.
- I. 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.
- J. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.
- K. Fireworks and floating lanterns are prohibited.
- L. Subleasing all or a portion of the dwelling unit is prohibited.
- M. 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 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 (1) time;
 - 4. The maximum number of all vehicles allowed to be parked on the property and the requirement that all guest parking must be on the property and not in or along any private, community or public Street Right-of-Way;
 - 5. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except in water-tight metal or plastic cans from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up;
 - 6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of Eldred Township Ordinances, including parking and occupancy limits; and
 - 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.

- N. 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 stove, gas, pellet, or wood fireplace, or wood-burning stove;
 7. Carbon monoxide detector if garage is attached;
 8. Fire extinguisher in kitchen certified or within expiration date;
 9. Stairs (indoor and outdoor) in good condition;
 10. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in Appendix G of the 2009 International Residential Code; and
 11. Any other occupancy requirements which may be added by Ordinance amendment by the Board of Supervisors.
- O. 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.

SECTION 6. FEES, TERM AND RENEWAL

- A. Short-Term Rental Permit fees, payable to the Township 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.
- 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 the Township 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.
- C. Short-Term Rental Permit renewal shall require inspections as outlined in this Ordinance.
- D. 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.
- E. Verification that all owed hotel and sales taxes have been paid shall be made before Short-Term Rental Permit renewal is granted.

- F. In the event that an application for a Short-Term Rental Permit, either initial or renewal, shall be denied, the Owner applicant shall be required to pay a new application fee if the Owner applicant submits a subsequent application.

SECTION 7. ENFORCEMENT OFFICER

- A. The administrator of this Ordinance shall be the Enforcement Officer as appointed by the Township Board of Supervisors, 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 Ordinance.
- B. The Enforcement Officer with the authorization of the Board of Supervisors may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

SECTION 8. INSPECTIONS REQUIRED

- A. All Short-Term Rentals shall be subject to inspection by the Enforcement Officer to verify application information, Permit, Short-Term Rental Permit renewal and/or operating requirements.
- B. The issuance of a Short-Term Rental Permit or inspection is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Ordinance or any other Township Ordinance.
- C. If there is reason to believe that any provision of this Ordinance is being violated, the Board of Supervisors may or may cause, through an authorized representative of the Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township 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.

SECTION 9. 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 10. VIOLATIONS, PENALTIES AND COSTS

- A. Notice of Violation - If it appears to the Enforcement Officer that a violation of this Ordinance 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 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 Ordinance based upon the nature of the violation) to correct the violation.

- B. 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 of the provisions of this Ordinance is declared to be a public nuisance.

C. Violations and Penalties

- (1) 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 of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a 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 \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Eldred Township 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 Eldred Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to Eldred Township for its general use.
- (2) In addition to, but not in limitation of the foregoing, 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 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 (1) year for any subsequent sets of violations.

D. Owners Individually and Jointly Responsible

If the premises are owned by more than one Owner, each Owner shall be individually and jointly responsible for complying with the requirements of this Ordinance, and may be individually and jointly subject to prosecution for a violation. Further, each Owner shall be responsible for the non-compliance of its agents, including Person in Charge, and shall not be excused from a violation on the basis of the actions or inaction of the Person in Charge.

SECTION 11. APPEALS

- A. Appeals of a determination of the Enforcement Officer under this Ordinance 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 at the Township's business office within thirty (30) days of the date of the determination appealed from. Appeals 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 the Township Supervisors, 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 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 the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the hearing.
 - (2) The hearing shall be held within sixty (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. The decision or, where no decision is called for, the findings, shall be in writing by the Board of Supervisors 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 the 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 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, 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 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 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 an opportunity to be present.

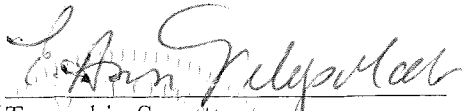
SECTION 12. MISCELLANEOUS PROVISIONS

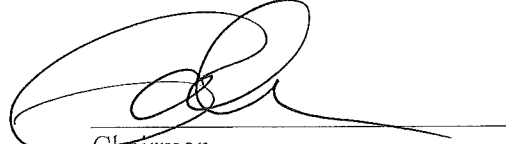
- A. Severability - If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus 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 interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.
- B. Repealer - All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, but only insofar as it is inconsistent.
- C. Effective date - This Ordinance shall become effective five (5) days after enactment.

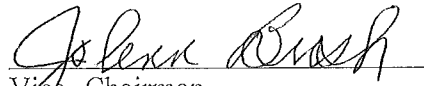
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ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania this 15th day of July, 2020.

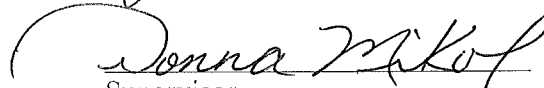
TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS


Township Secretary


Chairman


Vice- Chairman

Seal:


Supervisor