

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SCOTT COLUMBIA
COUNTY, PENNSYLVANIA

ORDINANCE NO. 3-20-24 A

AN ORDINANCE OF THE TOWNSHIP OF SCOTT, COLUMBIA COUNTY, PENNSYLVANIA, TO ADD A NEW CHAPTER 113, "SHORT TERM RENTAL", TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN SCOTT TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING APPLICATION AND LICENSE PROCEDURES; ESTABLISHING STANDARDS FOR SHORT-TERM RENTALS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; PROVIDING APPEAL PROCEDURES; AMENDING CHAPTER 135, ARTICLE II, ZONING DEFINITIONS TO ADD NEW DEFINITIONS; AMENDING CHAPTER 135, ARTICLE V, TO ADD SUPPLEMENTARY USE REGULATIONS; AND ADDING SHORT TERM RENTALS AS PRINCIPAL PERMITTED USE FOR THE R-U RESIDENTIAL-URBAN DISTRICT.

WHEREAS, the Second-Class Township Code, authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township and its finances, and the maintenance of peace, good government and welfare of the township and in its trade, commerce and manufactures.

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

Section 1. The Code of the Township of Scott, Columbia County, Pennsylvania, shall be amended to add a new chapter 113, "Short term Rental" in its entirety as follows:

ARTICLE I. Short-Term Rentals.

1. Title. This Ordinance shall be known as and may be cited as "Short-Term Rentals Ordinance".

2. Findings and Purpose. The Board of Supervisors of Scott Township, Columbia County, Pennsylvania, is charged with the duty to protect and provide for the health, safety and general welfare of the citizens of the Township. The Board of Supervisors specifically finds and declares as follows:

- A. Short-term rentals of dwellings have become a significant segment of the local tourism economy.
- B. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades and deferred costs.
- C. While most of these units operate without a problem, there have been complaints to the Township regarding excessive noise, parking, litter, and concerns regarding septic/sewer

capabilities, security, public safety, and trespass.

- D. The transitory nature of occupants of a short-term rental makes enforcement against the occupants difficult and therefore the unit owner must be the responsible party.
- E. The provisions of this Ordinance are necessary to prevent the continued burden on Township and community services and negative impacts on residential neighborhoods posed by short-term rentals.
- F. Compliance with the provisions of this Ordinance will maintain the character of the Township that attracts residents, homeowners and visitors.

3. Scope; Interpretation, Responsibility.

- A. Scope. This Ordinance shall apply to all short-term rentals as defined in Section 5 and all provisions of this Ordinance shall apply to short-term rentals in addition to all other applicable requirements of Township ordinances, including but not limited to the Scott Township Zoning Ordinance ("Zoning Ordinance"). This Ordinance does not apply to a hotel, motel, bed-and-breakfast, inn, boarding or rooming house or group home as defined in the zoning Ordinance, when the property owner or representative is present on-site at the property on a twenty-four-hour-per-day basis.
- B. Interpretation. This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Zoning Ordinance. Whenever possible, this Ordinance shall be construed and interpreted as being consistent with the Zoning Ordinance and not in conflict. In the event of a conflict between this Ordinance and the Zoning Ordinance, the more restrictive provision shall control.

This Ordinance is not intended to and does not excuse any landowner from compliance with the declarations or covenants in a planned community where a short-term rental may be located.

- C. Responsibility. The owner of the property wherein a short-term rental is located shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agent, managing agency, contact person, or renting occupants to comply with the provisions of this Ordinance, including the monitoring and control of the number of occupants and visitors, shall be deemed noncompliance by the owner and subject the owner to enforcement proceedings and the penalties contained herein.

4. Nuisance Declared.

In the interest of protecting and promoting the public health, safety and welfare, and minimizing the burden on Township and community services and the negative impacts posed by short-term rentals, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

5. Definitions.

The words and phrases used in this Ordinance shall have the following meanings.

Bedroom: A room intended for, or capable of, being used for sleeping and that is at least 70

square feet in area. Space used primarily for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or other utility rooms and similar uses are not considered bedrooms. Space used or intended primarily for general and informal everyday use such as a living room, den, and sitting room or similar uses are not considered bedrooms.

Contact Person: The owner, property manager or agent of the owner, who is available to respond to tenant and neighborhood questions, complaints or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this Ordinance. The Contact Person shall have actual authority to represent the owner for purposes of emergency and non-emergency contact and communication regarding the owner's Short-Term Rental. A Contact Person must provide a 24-hour emergency contact number, be able and willing to come to and be present at the Short-Term Rental within one (1) hour following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. The Contact Person may be the owner of the Short-Term Rental. The Township must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Contact Person.

Dwelling Unit: See definition of "Dwelling Unit" in Section 135 of the Zoning Ordinance.

Family Member: A person related by blood, marriage, or adoption, including a parent, spouse, child, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law, to include step children and stepparents.

Multi-Family Dwelling Unit: See definition of "Multifamily Dwelling" in Section 135 of the Zoning Ordinance.

Owner: The person or entity that holds legal or equitable title to the property.

Rent: The consideration received by an owner and/or renter in money, credits, property, or other consideration valued in money for lodging.

Single-Family Detached Dwelling: A dwelling containing only one dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined below.

A mobile home (also known as a house trailer, park home, trailer, or trailer home) is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site (either by being towed or on a trailer). Used as permanent homes, or for holiday or temporary accommodation, they are often left permanently or semi-permanently in one place, but can be moved, and may be required to move from time to time for legal reasons. Mobile homes are not permitted for short term rentals.

Short-Term Rental: A dwelling unit that is rented, licensed and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented, licensed and/or leased for a transient use under this Ordinance, unless excluded herein, including (but not limited to) single family detached, twin dwelling units, townhouses or apartments, whether or not primarily used as

permanent residences or seasonal or vacation homes. However, excluding mobile homes.

Transient Use: Occupancy, use or possession of a dwelling unit by a person or persons for a period of **more than 5 consecutive days** and less than 30 consecutive days, other than the owner(s) of the dwelling unit or tenant(s) of the dwelling unit with a lease for 30 consecutive days or more, and/or the family of such owner(s) or tenant(s); and further excluding temporary stays by unrelated individuals that are guests or the owner or tenant of the dwelling unit without the payment of any type of rent, compensation or other remuneration.

Unreasonable Noise: Any sound that is plainly audible to an unaided human ear at any boundary line of the lot(s) or parcel(s) of land on which the Short-Term Rental (or any activity, operation or use related to or associated with the Short-Term Rental) is located between the hours set forth below (1) for a continuous period in excess of fifteen (15) minutes, or (2) more than a total of thirty (30) minutes in any four (4) hour period:

Sunday	from 9:00PM	to Monday	at	8:00 AM
Monday	from 9:00 PM	to Tuesday	at	8:00AM
Tuesday	from 9:00 PM	to Wednesday	at	8:00 AM
Wednesday	from 9:00 PM	to Thursday	at	8:00AM
Thursday	from 9:00 PM	to Friday	at	8:00AM
Friday	from 11:00 PM	to Saturday	at	8:00 AM
Saturday	from 11:00 PM	to Sunday	at	8:00AM

6. Short-Term Rental License Requirements.

The owner of a short-term rental shall be responsible for obtaining the license and license renewals.

- A. License Required. A short-term rental license shall be required prior to renting out a dwelling unit as a short-term rental. Operating a short-term rental without a short-term rental license is a violation of this Ordinance and shall subject the owner to the enforcement proceedings and penalties set forth herein.
- B. Outstanding Violations. A dwelling unit located on any premises that violates any Township code or ordinance shall not be eligible for a short-term rental license until such violation is corrected in a manner acceptable to the Township.
- C. License Renewal. A short-term rental license shall be renewed annually and at any time when any of the conditions of the rental which are governed by this Ordinance are changed.
- D. Separate Licenses. A separate license is required for each short-term rental; for dwelling units, townhouses, rowhouses or apartments, a separate license shall be required for each dwelling unit being rented pursuant to the definition of "short-term rental."
- E. Issuance to Owner. The license shall be issued only to the owner of the short-term rental.

- F. Forms and Procedures. The enforcement officer is authorized to prescribe forms and procedures for the processing of licenses under this Ordinance. Licenses are to be renewed every two years upon calendar year.
- G. Multi-Family Short-Term Rentals. No building shall be used as a short-term rental that has two or more dwelling units unless said building has been approved by the Township as a multi-family dwelling, townhouse or multiple dwelling building as defined in the Zoning Ordinance. If such approval has been granted by the Township and one or more of the dwelling units, but not necessarily all, are being rented as set forth in the definition of "short-term rental", then the requirements of this Ordinance shall apply to such dwelling unit or units being rented.
- H. Inspection Authorization. The owner, by making application for a short-term rental license and/or accepting issuance of such a license grants permission for all inspections authorized by Section 12.
- I. License not Transferrable.
- (1) The license issued to an owner pursuant to this Ordinance is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, change in ownership of the entity owning the property, sheriff sale or court order, the new owner must apply for a license under the provisions of this Ordinance prior to renting the proper as a short-term rental.
 - (2) If an owner has been convicted of a violation of this Ordinance (hereinafter the "violating owner"), or if a violating owner's license has been revoked by the Township, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such violating owner's family members, or an entity in which either the owner or the owner's family members have any ownership interest, then that new owner shall be subject to the violations and penalties imposed upon the violating owner.
- J. Minimum Term for Short-Term Rental. A short-term rental license shall only be issued to an owner for occupancy, use or possession of the dwelling unit by another person or persons for a period of five (5) consecutive days or more. The minimum term set forth in this paragraph, as well as the definition of Transient Use in this Chapter, may be amended by a duly enacted Resolution of the Board of Supervisors. The minimum term for short-term rentals shall be listed on the License Form issued by the enforcement officer.

7. Contact Person.

Each owner of a short-term rental shall designate a person, property manager or agent as a contact person who has access and authority to assume management of the short-term rental and take remedial measures. The contact person must be accessible by telephone 24 hours a day and must be able and willing to come to and be present at the Short-Term Rental within one (1) hour following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. An owner of a short-term rental may designate himself/herself as the contact person. The contact person shall respond to the

enforcement officer within one (1) hour after being notified by the enforcement officer or other Township official of the existence of a violation of this Ordinance or any disturbance requiring immediate remedy or abatement. If the contact person is not the owner, the contact person shall immediately advise the owner of any notification of a violation.

8. Application for Short-Term Rental License.

A. Application Required: Information. An application for a short-term rental license shall be filed with the designated Township official and a license issued prior to the use of the property as a short-term rental, except for an existing short-term rental use which shall apply for a license within six (6) months of the effective date of this Ordinance. License applications for properties presently used as short-term rentals shall be filed within six (6) months of the effective date of this Ordinance. In the event an existing short-term rental has been booked in advance of the enactment of this Ordinance, the owner/applicant may request an extended grace period for compliance with this Ordinance, subject to providing the Township with acceptable proof of the advanced bookings at the time of the application. All applications shall contain the following information:

1. The name, address, telephone number and email address of the owner of the short-term rental for which the license is being applied for. If the owner is the contact person, then the owner shall provide a 24-hour telephone number.
2. The name, address, email address, and 24-hour telephone number of the contact person, if the owner is not the contact person.
3. The marketing entity identification number for the short-term rental.
4. A floor plan of the short-term rental drawn to scale.
5. Acknowledgement that all designated bedrooms contain minimum of 70 square feet.
6. The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight occupants.
7. If the building is a multi-dwelling, townhouse or apartment structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.
8. A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
9. The location, type, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with a letter of approval from the Scott Township Sewer Authority that the Sewer Authority acknowledges the property usage and is up to date with all billing to the date of the application for a short-term rental license, or a renewal thereof.
10. Acknowledgment that the owner or contact person, if different than the owner, have read all regulations pertaining to the operation of the short-term rental.

11. Acknowledgment that the owner or contact person will post and maintain the short-term rental with the notice required in Section 10(A)(13).
12. Acknowledgment that the owner or contact person will post and maintain at the short-term rental the 911 emergency address sign in accordance with applicable requirements.
13. As part of the application for renewal of a short-term rental license, the owner/applicant shall provide proof that there are no outstanding and/or unpaid Real Estate taxes from the Township Tax Collector, School taxes or Pennsylvania Sales Tax for the immediately preceding year.
14. Acknowledgement that there will be someone at the property within 1 hour should there be any emergency issues that need to be addressed in person.
15. Acknowledgement of the minimum and maximum consecutive days allowed for short-term rentals.
16. Other information the Township and/or enforcement officer deems reasonably necessary to administer this Ordinance.

B. Term of License. Any short-term rental license is good for a period not to exceed one year from the date of issuance and must be renewed annually.

C. Inspection Fee. If the information supplied by the owner on the application for a short-term rental license or any renewal thereof is not consistent with Township records or in order to verify the information supplied by the property owner on the application for a short-term rental license or any other renewal thereof, an inspection will be required prior to or after the issuance of the short-term rental license or any renewal thereof, renewals are every 2 years. An inspection fee established by Resolution of the Board of Supervisors shall be charged for any inspection deemed necessary by the Township.

9. Application and Renewal Fees.

- A. Application Fee. An application for a short-term rental license shall be accompanied by an initial fee established in the Fee Schedule established by the Board of Supervisors. The initial application shall also require a zoning permit for a change of use for the property. Short-Term Rentals are considered a permitted use in the permitted zoning districts but as a short-term rental business. (Zoning Permit is required for change of use due to the changing the home from a residence to a business)
- B. Renewal Fee. An annual renewal fee shall be established by Resolution of the Board of Supervisors that license holders shall pay when renewing their license issued pursuant to this Ordinance. Failure to pay the renewal fee on or before the two (2) year anniversary date of the issuance of the license, or on or before that same date each year thereafter, will result in the assessment of a fee twice the amount of the normal renewal fee. If the renewal fee is not paid within ninety (90) days of the date it is due, the license shall be null and void and application for a new license, not a renewal, shall be required thereafter prior to renting the subject short-term rental. Notwithstanding anything in the foregoing to the contrary, it shall be a violation of the Ordinance to use or operate a short-term rental without a current valid license issued pursuant to this

Ordinance.

- C. Nonrefundable. Application fees and renewal fees are nonrefundable.
- D. Fees include- Building Inspector, Zoning/Code Officer, application/filing fees, mailings and etc.

10. Operational Standards and Conditions.

- A. Standards. All short-term rental licenses issued pursuant to this Ordinance are subject to the following standards:
 - 1. The owner shall, by written agreement, limit overnight occupancy of the short-term rental to a number of persons not to exceed an average of two (2) persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four (4) additional persons per residence. For the purpose of this Section 10(A)(1), children less than two (2) years old shall not count towards the limit of overnight occupants. However, in advertising or marketing the occupancy of a short-term rental, the maximum stated occupancy shall not exceed an average of two (2) persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four (4) additional persons per residence (see Section 13).
 - 2. The maximum number of day guests allowed at any one time shall be 75 percent of the maximum overnight occupancy of the short-term rental.
 - 3. 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 Township Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows and the Township Sewage Enforcement Officer approves the sewage disposal system for the number of bedrooms in excess of three (3). If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.
 - 4. In no instance shall the existing number of bedrooms be increased without proper Township (and DEP if required) approval being obtained.
 - 5. No bedroom shall contain any cooking facilities.
 - 6. The owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the short-term rental license, with the number of all vehicles not to exceed the number of designated on-site parking spaces.
 - (a) The number and location of all parking for overnight guests and day guests shall be designated in the license and shall be located on the owner's property and not in any private, community or publicright-of-way. And following the Township Parking Ordinance Section 13-19.
 - (b) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate

vehicles.

- (c) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material approved by the Township and shall count as part of the maximum lot coverage established by the Zoning Ordinance.
 - (d) Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
 - (e) If the short-term rental is accessible directly by a Township or State road, all parking spaces shall be accessed from a driveway serving the short-term rental and not directly from the Township or State road.
7. The owner shall use best efforts to ensure that the occupants or guests of the short-term rental do not create Unreasonable Noise or disturbances, engage in disorderly conduct, or violate provisions of this Ordinance or any Township ordinance or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or contact person act as an enforcement officer or place himself or herself in harm's way.
 8. 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 violated provisions of this Ordinance or other Township ordinances or state laws pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests and/or future occupants or guests. Notwithstanding the owner's use of best efforts, unreasonable noise, disturbances or disorderly conduct shall be a violation of this Ordinance.
 9. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
 10. Occupancy of recreational vehicles, camper trailers and tents shall not be permitted. Tents, sleeping outside and "camping out" are not permitted on the premises.
 11. The use of fire pits, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the owner or contact person and all fire pits shall be extinguished by midnight.
 12. The owner of the short-term rental shall post a copy of the license and a copy of the conditions set forth in this Section 10 in a conspicuous place within the short-term rental.
 13. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information. The occupants of a short-term rental shall make the notice required by this paragraph available for inspection by the enforcement officer upon request.

- a. The name of the contact person and a telephone number at which that party may be reached on a 24-hour basis. The contact information for the emergency contact that can be at the property within 1-hour.
 - b. The maximum number of occupants permitted to stay in the short-term rental dwelling unit and the maximum number of day guests permitted at any one time.
 - c. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
 - d. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
 - e. Notice that trash and refuse shall not be left or stored on the exterior of the short-term rental; and, directions for the proper disposal of trash and refuse.
 - f. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance; and
 - g. Notification that failure to conform to the parking and occupancy requirements for the short-term rental is a violation of this Ordinance subject to a citation and fines.
14. All short-term rentals shall comply with the following standard: It is unlawful for any person to disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.
15. A short-term rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable codes. Without limiting the foregoing, short-term rental units shall also have the following:
- a. Smoke detector in each bedroom.
 - b. Smoke detector outside each bedroom in the common hallway.
 - c. Smoke detector on each floor, including the attic and basement.
 - d. GFI outlet required if the outlet is located within six feet of a water source.
 - e. Metal exhaust for clothing dryer (if provided).
 - f. Carbon monoxide detector if the rental unit uses other than electric utilities, or has an attached garage.
 - g. Fully charged and unexpired fire extinguisher located on each floor. The location of all fire extinguishers shall be identified by easily visible and prominent signage.
 - h. Indoor and outdoor stairs shall be in good condition with handrails.
16. The owner shall maintain a guest register and shall preserve registrations records for a minimum of three years. The register and all records shall be made available for inspection by the Codes Enforcement Officer at any time.
- B. Additional Standards. The Board of Supervisors, at a duly convened public meeting, shall have the authority to impose additional standards applicable to short-term rentals as

necessary to achieve the objectives of this Ordinance.

- C. License Conditions. The enforcement officer shall have the authority to impose additional conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this Ordinance.

11. Enforcement Officer(s).

- A. Appointment. The Board of Supervisors shall appoint one or more enforcement officers, who may be the Township Zoning Officer, Code Enforcement Officer or other authorized "township representative", or an individual, firm or agency contracted to conduct inspections, make reports and administer and enforce other parts of this Ordinance as determined by the Board of Supervisors.
- B. Duties. The administrative, inspection and enforcement responsibilities established by this Ordinance may be delegated to different enforcement officers appointed in accordance with Section 11(A).
- C. Consultation. The enforcement officer, with the authorization of the Board of Supervisor, may engage the services of competent engineers or other Township consultants to determine the nature and extent of any violation.

12. Inspections and Access.

- A. Inspection. All places and premises in Scott Township used as a short-term rental shall be subject to inspection every 2 years by the enforcement officer or other authorized Township representative to verify application, licensing or operating requirements or if there is reason to believe that any provision of this Ordinance is being violated.
- B. Interference. Provided the short-term rental dwelling unit is accessed in accordance with this Section 12, it shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to the short-term rental and the premises on which it is located.

13. Marketing.

The following shall be a violation of this ordinance: a) advertising or marketing the occupancy of a short-term rental for a number of occupants which exceeds an average of two (2) persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four (4) additional persons per residence (see Section 10(A)(1)); b) marketing or advertising of the short-term rental for a number of bedrooms which exceeds the maximum number of bedrooms permitted by this ordinance; c) marketing or advertising a short-term rental without having first obtained a short-term rental license pursuant to this ordinance; d) failure to include the short-term rental license number or property address of the short-term rental unit in any advertisement; or e) marketing or advertising a short-term rental unit outside the permitted scope of the short-term rental license issued under this ordinance. The owner or contact person shall provide to the enforcement officer a copy of all marketing/advertisements relating to the short-term rental at the time of license application and/or renewal.

14. Action on Complaints.

- A. Violation in Progress. Upon receipt of a complaint of a violation in progress and if the complainant's name and address is provided, the enforcement officer shall immediately notify the owner and/or the contact person of the complaint and may thereafter investigate the matter. If the enforcement officer believes a crime to be in progress, he/she shall notify the appropriate police department/agency. The Township may proceed with a notice of violation if the Township enforcement officer, police officer and/or other authorized Township representative determines a violation of this Ordinance has occurred.
- B. Violation Preceding Complaint. Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the enforcement officer shall not be obligated to proceed with any action to determine if a violation of this Ordinance exists. However, the enforcement officer may, at his/her sole discretion, proceed with an investigation into the complaint to determine if there is an existing violation of this Ordinance. The Township may proceed with a notice of violation if the Township enforcement officer, police officer and/or other authorized Township representative determines a violation of this Ordinance has occurred.
- C. Confidentiality. The enforcement officer shall make a reasonable effort to maintain the confidentiality of the name and address of the person registering the complaint unless otherwise acquired by law to release such information.
- D. False Reports. Any person who reports an alleged violation of this Ordinance to an enforcement officer knowing that it did not occur shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, together with costs, including reasonable attorney fees.

15. Notice to Violators.

- A. Service of Notice. If it appears to the enforcement officer that a violation of this Ordinance has occurred, the enforcement officer shall initiate enforcement proceedings by preparing a written Notice of Violation to be served on the owner or contact person (if applicable) of the premises on which the violation exists or originates. The written Notice of Violation shall be served on the owner or contact person by one or more of the following methods:
- (1) Personal delivery to either the owner or the contact person; or,
 - (2) Fixing a copy to the door of the building on the premises of the violation; or,
 - (3) Certified mail to the owner or the contact person to the address on the license application (service to be complete upon mailing); or,
 - (4) Email to the owner or the contact person to the email address on the license application, together with first class mail to the owner or the contact person (whoever the email is sent to) to the address on the license application (service to be complete upon first class mailing); or,

- (5) Other means of legal service deemed appropriate by the Township and recognized by law.

B. Content of Notice.

- (1) The Notice of Violation shall enumerate the conditions which constitute the violation and what action is required to abate and/or otherwise correct the violation.
- (2) The Notice of Violation shall include a time frame for the abatement and/or correction of the violation, which such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction may be required.
- (3) The Notice of Violation shall include a time frame for the abatement and/or correction of the violation, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction may be required.

16. Violations, Penalties and Costs.

- A. Compliance. Failure to comply with any provision of this Ordinance and/or failure to comply with an order to abate and/or correct a violation of this Ordinance, shall be a violation of this Ordinance and subject the owner to criminal prosecution and the revocation of any short-term rental license previously issued.
- B. Fine. Any person who has violated or permitted the violation of any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 per day per violation, together with costs, including reasonable attorney fees. Each day of a violation shall constitute a separate offense for which a summary conviction may be sought. All fines, judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.
- C. Other Remedies. The Township shall also have the right to seek any other appropriate legal or equitable remedies, including injunctive relief, for violations of this Ordinance.
- D. License Revocation. If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month period, then the license shall be revoked by the Township for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.
- E. Reinstatement. The Board of Supervisors may, in its sole discretion, approve the

reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this Ordinance have been met.

17. Appeals.

- A. Filing of Appeal. Appeals of an action under this Ordinance to deny any application for, or to renew, a Short-Term Rental License, or to revoke a Short-Term Rental License, shall be filed with the Zoning Hearing Board within 30 days of the date of the denial of application or revocation of license. Appeals shall be processed as follows:
- (4) 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 in the Fee Schedule by Resolution of the Township Board of Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing. Any continuance of an appeal, will have an additional fee if it is the applicant's need for the continuance.
 - (5) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, the relevant sections of this Ordinance, and the relief sought.
- B. Hearings. The Zoning Hearing Board 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 and to any person who has made timely request for same. Written notices shall be given not less than seven (7) 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 Zoning Hearing Board. The decision or, where no decision is called for, the findings, shall be in writing rendered by the Zoning Hearing Board 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 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 Zoning Hearing Board presiding or Zoning Officer 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 Zoning Hearing Board 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 Zoning Hearing Board, 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.
- (S) The Zoning Hearing Board 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.

18. Other Remedies.

The Township shall also have the right to seek any other appropriate legal or equitable remedies, including injunctive relief, for violation of this Ordinance.

19. License Revocation.

If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month period, then the license shall be revoked by the Township for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.

20. Reinstatement.

The Board of Supervisors may, in its sole discretion, approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this Ordinance have been met.

Section 2. The Code of the Township of Scott, Columbia County, Pennsylvania, Chapter 135, "Zoning" shall be amended to add a new definition to Article II, Terminology, Section 135-7, in alphabetical order, as follows:

SHORT-TERM RENTAL: A dwelling unit that is rented, licensed and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented, licensed and/or leased for a transient use under this Ordinance, unless excluded herein, including (but not limited to) single family detached, twin dwelling units, townhouses or apartments, whether or not primarily used as permanent residences or seasonal or vacation homes. However, excluding mobile homes.

Section 3. The Code of the Township of Scott, Columbia County, Pennsylvania, Chapter 135, Article V "Supplementary Use Regulations", shall be amended to add a new section 135-23.5, in numerical order, titled "Short Term Rentals", as follows:

§135-23.5 Short term rentals.

Short term rentals are permitted only in those zoning districts as specified in Article IV and Appendix D. Every proposed short term rental must meet and comply with the requirements of Article I of Chapter 113 of the Code of Scott Township.

Section 4. The Code of the Township of Scott, Columbia County, Pennsylvania, Chapter 135, Appendix D, Attachment 9, "Use Regulations and Dimensional Requirements, R-U Residential-Urban District" as amended 9-14-2020, shall be amended to add to the items listed under "Uses and Structures, Principal Permitted Uses and Structures" as follows:

16. Short Term Rentals (see, § 135-23.5.)

Section 4. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 20 day of March, 2024 by the Board of Supervisors of Scott Township, Columbia County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF SCOTT

ATTEST:

Bacon
SECRETARY,
TOWNSHIP OF SCOTT

By: *JM*
CHAIRPERSON