



LEO S. LUTZ  
Mayor

EVAN M. GABEL  
Solicitor

HEATHER ZINK  
Borough Council President

MARK E. STIVERS  
Borough Manager

## COLUMBIA BOROUGH - PLANNING COMMISSION

Paul W. Myers Council Chamber

April 16, 2024 – 7:00PM

### AGENDA

*This meeting will be uploaded to the Borough's YouTube Channel as a convenience and is not meant to replace in-person participation in the meeting.*

- 1) Call to Order:
- 2) Moment of Silence:
- 3) Pledge of Allegiance:
- 4) Approval of Minutes:
  - a) Consider Approval of the Planning Commission Meeting Minutes from the March 19, 2024, Regular Meeting and the revised minutes from February 20, 2024.
- 5) Zoning Hearing(s) Consider Motion to Recommend to Zoning Hearing Board:
  - a) None
- 6) Engineer's Review(s) of SALDO Applications – Consider Motion:
  - a) None
- 7) Demolition Application(s) Consider Motion to Recommend to Borough Council:
  - a) None
- 8) Action Items:
  - a) Consider the request from the Lancaster County Vacant Property Reinvestment Board to classify the property at 170 S 5th St as a blighted property.
- 9) Discussion Items:
  - a) Zoning Ordinance Text Amendments – McGinness Redevelopment Review Front Yard Setback, Building & Impervious Coverage, and Residential Uses to allow in the MDR-LB



- b) Zoning Map Amendments Discussion and Prioritization  
Review and focus on how the existing zoning map was modified to create the Future Land Use Map. i.e. which zones were consolidated to form what future land uses.
  - c) Discuss Short Term Rental Ordinance  
Review the Lancaster County Guide for Short-Term Rentals developed in 2019 and the Monroe County Short-Term Rental Template Ordinance.
- 10) Old Business (for discussion):
- 11) New Business (for discussion):
- a) Worksession to be held at 6:00pm
  - b) The formation of an Ad Hoc Committee to act on text amendments, tables and zoning maps.
- 12) Public Comments and Questions:  
**Civility and Decorum:** Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, attacks, or any conduct that disrupts the flow of business is out of order.
- 13) Motion to Adjourn:

**Next Meeting Scheduled for Tuesday, May 21, 2024**

If you are person with a disability wishing to attend this meeting and require an accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.

# COLUMBIA BOROUGH – PLANNING COMMISSION

Paul W. Myers Council Chambers

February 20, 2024 - 7:00PM

## MINUTES

### **MEMBERS IN ATTENDANCE:**

Mary Wickenheiser, Chairperson

Tiffani Lynn, Vice-Chairperson

Brad Lynn, Secretary

Marilyn Kress Hartman

Nathan Roach

Annette White

### **STAFF IN ATTENDANCE:**

Eric Kauffman, Borough Council

Mark Stivers, Borough Manager

Paula Diffenderfer, Code Compliance Manager

### **GUESTS IN ATTENDANCE:**

Justin Rule, Discover Columbia

### **CALL TO ORDER:**

Chairperson Mary Wickenheiser called this regular meeting of the Columbia Borough Planning Commission to order on Tuesday, February 20, 2024, at 7:00 p.m.

There was a moment of silence and the pledge to the flag. Mary asked that during the moment of silence Jay Lewis, former Planning Commission member, be remembered for his service to the Borough. Jay Lewis passed away a few months ago.

Justin Evans was absent from this meeting due to illness.

Mary announced that Borough Council appointed herself and Nathan Roach to 4-year terms.

Tiffani Lynn motioned to retain Mary Wickenheiser as Chairperson and Brad Lynn seconded. There were no other nominations. All favored this motion.

Brad Lynn motioned to retain Tiffani Lynn as Vice Chairperson and Nathan Roach seconded. There were no other nominations. All favored this motion.

Tiffani Lynn motioned to retain Brad Lynn as Secretary and Annette White seconded. There were no other nominations. All favored this motion.

### **APPROVAL OF MINUTES:**

Tiffani Lynn motioned to approve the regular Planning Commission meeting minutes from December 19, 2023, and Annette White seconded. All favored this motion.

**ZONING HEARING(S):**

There were no zoning hearings for review.

**ENGINEER'S REVIEW(S):**

There were no engineer reviews.

**DEMOLITION APPLICATION(S):**

There were no demolition items.

**ACTION ITEMS:**

Ordinance 929 – Mary Wickenheiser explained this ordinance was tabled by Borough Council in 2022 after a recommendation by the Planning Commission to rezone parcels in the north end of Columbia. The Commission's action at tonight's meeting would be to recommend Borough Council deny the ordinance to allow the Planning Commission to start with a clean slate, which would allow comprehensive changes to the zoning map instead of changes pieced together.

Brad Lynn motioned to recommend to Borough Council denial of Ordinance 929, rezoning parcels in the north end of Columbia, and Tiffani Lynn seconded. All favored this motion.

740 South Twelfth Street – Mary Wickenheiser explained this parcel was rezoned in 2019 to LB (light business) and the Borough was requesting this parcel be changed to MDR (medium density residential). Mark Stivers, Borough Manager, explained this tract of land, after changing the zoning designation, would be sold for someone to construct a dwelling. He went on to explain this would fit in with the neighborhood. Marilyn Kress Hartman asked about the size of the lot, the setbacks and if this lot could be sub-divided into multiple lots. Mark gave the size of the lot but did not know the setbacks. Mary added the lot was too narrow for sub-division. Marilyn warned that someone would ask about using this for multiple lots. Mark stated this lot would only be for one dwelling.

Tiffani Lynn motioned to recommend to Borough Council to proceed with advertising the rezoning of 740 South Twelfth Street from LB to MDR and Nathan Roach seconded. All favored this motion.

**DISCUSSION ITEMS:**

Short-Term Rental Presentation – Justin Rule, Discover Columbia, presented 8 best practices for operating a short-term rental during his presentation. After the presentation, Mary stated that Justin set the bar high for other short-term rentals. Brad added he liked the idea of having a guide of Columbia attractions available for guests and asked what would bring a guest back to Columbia. Justin explained that guests return for activities during a different season, to ride the River Trail or to visit sites guests didn't have time to visit previously. Marilyn Kress Hartman suggested a yearly calendar of events for guests to take with them. Justin thought that was an excellent idea. Tiffani Lynn thanked Justin for his presentation and for operating Freedom House. Marilyn suggested Justin teach his ideas to other potential short-term rental owners. Brad asked how many rooms were in Freedom House. Justin stated 5 bedrooms with a total of 15 rooms. Marilyn stated it was important to keep the neighbors involved. Mary stated they have been working on zoning changes to allow short-term rentals in other parts of the Borough. Justin talked about some ideas on these areas and stated there could be some oversight on the short-term rental best practices. There was discussion regarding forming a group to talk to potential

short-term rental owners before they would come to the Borough for approval. Justin stated he would be willing take over this role and added they would be able to weed out potential owners if the requirement was they were either business or property owners in the Borough. Councilperson Kauffman suggested the short-term rental use be offered to everyone in the Borough so everyone would have the same opportunity without regulations and suggested an association be established. Justin stated there was a lot of investment into turning a property into a short-term rental. Mary Wickenheiser thanked Justin for his presentation.

Zoning Ordinance Text Amendments – McGinness Redevelopment – Mark Stivers stated that Rick Jackson, ELA Group, put together recommended updates to the zoning ordinance with regards to the McGinness Redevelopment. Mark talked about those changes, which include allowing a parking lot as a principal use on a lot, building setbacks, and an increase in building lot coverage allowance. Mark added there were not a lot of use changes requested. Mark explained the land has met DEP standards for non-residential development, which could include a hotel but not residential dwellings. Mark also added that storm water would be a challenge for this project. Mary stated the changes outlined seem reasonable. Nathan Roach asked why these changes were being approved but not the changes that were just denied earlier in the meeting. Mary explained these were changes to the ordinance that should be moved forward and the zoning map should be comprehensive changes. Tiffani Lynn motioned to proceed with putting zoning ordinance changes together for the McGinness Redevelopment, with those ordinance changes coming back to the Planning Commission at a future date and Brad Lynn seconded. All favored this motion.

Zoning Map Amendments – Mary Wickenheiser stated potential changes were discussed at the December meeting. She suggested each Commission member have a hard copy of the comprehensive plan with map changes to be discussed at the April meeting.

**OLD BUSINESS:**

There were no items under old business.

**NEW BUSINESS:**

Mary talked about a previous parking survey that was done a few years ago. She informed the Commission she attended a webinar regarding parking and stated some towns were eliminating parking minimums to allow for more development.

Mary stated she has completed the Planning Commission yearly report and asked members to review before she presented to Borough Council.

Mary announced the resignation of Annette White from the Planning Commission and the retirement of Deb LaClair. Commission members complimented the service to the Planning Commission by both Annette as a commission member and Deb as administrative support for the commission.

**PUBLIC COMMENTS AND QUESTIONS:**

There were no public comments or questions.

**ADJOURNMENT:**

Tiffani Lynn motioned to adjourn this meeting of the Columbia Borough Planning Commission at 8:45 p.m. and Annette White seconded. All favored this motion.

Respectfully submitted,

Brad Lynn, Secretary

**COLUMBIA BOROUGH – PLANNING COMMISSION**  
**Paul W. Myers Council Chambers**  
**March 19, 2024 – 7:00PM**

**MINUTES**

**MEMBERS IN ATTENDANCE:**

Mary Wickenheiser, Chairperson  
Tiffani Lynn, Vice-Chairperson  
Brad Lynn, Secretary  
Justin Evans  
Marilyn Kress Hartman  
Nathan Roach

**STAFF IN ATTENDANCE:**

Eric Kauffman, Borough Councilperson  
Paula Diffenderfer, Code Compliance Manager  
Frank Affeld, Maintenance Manager

**GUESTS IN ATTENDANCE:**

Bradley Gale – Potential Planning Commission Member

**CALL TO ORDER:**

Chairperson Mary Wickenheiser called this regular meeting of the Columbia Borough Planning Commission to order on Tuesday, March 19, 2024, at 7:00pm

There was a moment of silence and the pledge to the flag.

**APPROVAL OF MINUTES:**

Tiffani Lynn motioned to approve the regular Planning Commission meeting minutes from February 20, 2024, and Marilyn Kress Hartman seconded. Mary Wickenheiser noted an error on page two of the minutes and asked that the second line under action items be changed from “East” end of Columbia to “North” end of Columbia. Commission Members acknowledged the need for this correction. All favored this motion to approve the February 20, 2024, Planning Commission minutes with the correction.

**ZONING HEARING(S):**

There were no zoning hearings for review.

**ENGINEER’S REVIEW(S):**

There were no engineer reviews.

**DEMOLITION APPLICATION(S):**

There were no demolition items.

**ACTION ITEMS:**

There were no action items.

Chairperson Mary Wickenheiser noted that she spoke with Borough Manager Mark Stivers regarding the three action items that were forwarded to Borough Council for approval after the February meeting. She noted that Borough Manager Mark Stivers said one of the items is still being discussed but that all three items should be on a Borough Council Agenda very soon.

**DISCUSSION ITEM(S):**

Zoning Ordinance Text Amendment(s)

Chairperson Mary Wickenheiser noted that Zoning Ordinance text amendments were discussed in the past but that they have not been completed. She said that Jessica Fieldhouse, a consultant with CS Davidson, is expected to attend the April meeting. Commission members agreed to wait until the April meeting to address the text amendments so Jessica would be there to guide them.

Chairperson Mary Wickenheiser discussed the future land use map. She discussed reducing the number of zoning districts. Commission Members discussed the need to define zoning districts prior to making any changes or consolidations.

Chairperson Mary Wickenheiser asked Paula Diffenderfer to email Jessica prior to the next meeting to inform her about tonight's discussion so she can be prepared for the April meeting.

Commission Members discussed having work sessions, beginning at 6:00pm, prior to the regular meeting to allow time for review and revisions. Paula will check with Jessica to see what works best for her.

Commission Members asked Bradley Gale about his feelings toward joining the Planning Commission. He said he would like more time to investigate it before deciding.

Councilmember Eric Kauffman noted that Borough Officers have access to training through PSAB.

Justin Evans motioned to adjourn the meeting of the Columbia Borough Planning Commission at 7:37pm and Tiffani Lynn seconded. All favored this motion.

Respectfully submitted,

Brad Lynn, Secretary





**Vacant Property  
Reinvestment Board**  
SUPPORTED BY THE LANCASTER COUNTY REDEVELOPMENT AUTHORITY

January 24, 2024

Ms. Mary Wickenheiser, Chair  
Columbia Borough Planning Commission  
308 Locust Street  
Columbia, PA 17512

Dear Ms. Wickenheiser:

The Lancaster County Vacant Property Reinvestment Board (VPRB) requests that the Columbia Borough Planning Commission certify its determination of blighted condition for **170 S. Fifth Street in Columbia Borough.**

By ordinance, certification by both the Lancaster County Planning Commission and the municipal planning commission is required before the property may be referred to the Lancaster County Redevelopment Authority (Authority) for acquisition.

There are strict parameters for the program established by state regulations. These regulations outline a process for the VPRB that provides opportunities to the owner(s) of vacant blighted properties to rehabilitate them and return them to productive use. The goal of the program is not to acquire property but to encourage the property owner(s) to make the necessary repairs. The regulations also provide a process to acquire through eminent domain a property whose owner(s) refuses to make necessary repairs to address the cause of blight.

This communication requests the certification of the Columbia Borough Planning Commission to determine whether the properties cited above are blighted in accordance with County Ordinance 56, as amended. Similarly, the Lancaster County Planning Commission will also be asked to certify the properties as blighted and to provide a recommendation on the appropriate reuse of the property. **We are not asking the Columbia Borough Planning Commission to determine whether the property itself is blighted but rather that the process followed to make the blight determination was made in accordance with State and County ordinances.**

If both the Lancaster County Planning Commission and the Columbia Borough Planning Commission certify the properties as blighted, and if no significant progress is made on the rehabilitation of the properties, the VPRB will refer the properties to the Authority for disposition. If the elements of blight are not removed, the Authority will first attempt to acquire the property through a negotiated sale. If unsuccessful, the Authority will consider a process to take the property through eminent domain proceedings.

The Authority will create a pool of eligible developers to acquire and rehabilitate blighted properties to remove the blighting conditions. Once acquired, the Authority will issue a bid for the purchase and rehabilitation of each blighted property when it is referred by the VPRB. The bid documents will include the appraisal of the relevant property. A Redevelopment Contract will be signed between the Authority and the developer awarded the bid for each property outlining the federal requirements and time frames for rehabilitation. There are no restrictions on the resale of the property provided the blighting conditions are removed within a reasonable time. The Authority will place a lien and

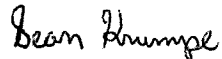
Ms. Wickenheiser  
January 24, 2024  
Page 2.

deed restriction on the property at settlement to assure that the blighting conditions are removed. If the blighting conditions are not removed within the time frames established in the Redevelopment Contract, the property will revert to the Authority.

If you have any questions, please contact me at (717) 394-0793 x232 or [skrumpe@lchra.com](mailto:skrumpe@lchra.com). A representative of the VPRB is happy to attend the meeting of the Columbia Borough Planning Commission to answer any questions.

Thank you for your partnership in helping to improve the quality of life for the residents of Columbia Borough.

Sincerely,



Sean Krumpe  
Program Coordinator

The process followed by the VPRB for the property at **170 S. Fifth Street, Columbia**, (hereinafter referred to as “the Premises”) is summarized below.

1. Columbia Borough referred the property to the VPRB on August 9, 2023.
2. On September 21, 2023, the VPRB reviewed the information submitted and accepted the Premises into the program.
3. A Property Fact Sheet was prepared on September 28, 2023 by an Authority staff member requiring that the owner rehabilitate the property sufficiently to lift the condemnation and obtain a certificate of occupancy from Columbia Borough.
4. A letter was sent to the Owner of the Premises on September 28, 2023 explaining what actions must be taken to eliminate the elements of blight. The owner was given until November 15, 2023 to submit a plan of action to eliminate the elements of blight.
5. Seeing no work completed at the property, the VPRB approved a First Blight Determination Resolution on November 16, 2023. The Owner of the Premises was sent a letter on November 16, 2023 explaining the Notice of Property Owner’s Rights and including an explanation of the procedures necessary to avoid a Second Blight Determination Resolution. The letter required the submission of a rehabilitation plan. The due date was January 3, 2024.
6. The property was posted on November 16, 2023 and the required legal ad was published on November 21, 2023.
7. By January 3, 2024, the Owner did not submit a rehabilitation plan and staff saw no repairs made.
8. The VPRB passed the Second Determination of Blight Resolution on January 18, 2024.

The following information is provided to assist the Lancaster County Planning Commission and the Columbia Borough Planning Commission in making its certification of blight. **The following is Section 3, Part B of Lancaster County Ordinance No. 56, updated by Ordinance 141. Inserted is information submitted in the Property Referral Form regarding the condition at 921 Spruce Street, Columbia Borough.**

B. “Blighted Property.” Blighted property shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes. *N/A*

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

***EXPLANATION: Documentation was provided for municipal code violations due to a fire that occurred at the property.***

(3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities and equipment required by the Housing Code of the municipality, has been designated by the department responsible for enforcement of the Code as unfit for human habitation.

***EXPLANATION: The property was condemned by Columbia Borough on February 1, 2021.***

(4) Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property. *N/A*

(5) Any structure from which utilities, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use. *N/A*

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

***EXPLANATION: The Borough recently replaced a lock on the property on July 10, 2023***

(7) Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from municipal code enforcement agency. *N/A*

(8) With these considerations in mind, an abandoned property. ***Yes***

(9) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable. *N/A*

(10) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community. *N/A*

**COLUMBIA BOROUGH  
LANCASTER COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. XXX**

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**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE ZONING CODE OF ORDINANCES, CHAPTER 220, ARTICLE III, SECTION 220-20, TO UPDATE THE PURPOSE OF THE LIGHT BUSINESS DISTRICT TO INCLUDE THE MCGINNESS INNOVATION PARK, AMEND SECTION 220-25 TABLE OF USES, AMEND NON RESIDENTIAL, SECTION 220-26, TABLE OF DIMENSIONAL REQUIREMENTS TO UPDATE THE REQUIREMENTS TO INCLUDE THE MCGINNESS INNOVATION PARK; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.**

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**WHEREAS,**

**WHEREAS,** the Borough Council of the Borough of Columbia finds it periodically necessary to amend its Code of Ordinances in order to update regulations and procedures to implement municipal planning goals and objectives; and;

**WHEREAS,** the development of the McGinness Innovation Park requires text amendments to the Light Business Zoning District; and;

**WHEREAS,** Columbia Borough Council finds the adoption of this ordinance through its police powers will protect the public health, safety, and welfare of the residents of Columbia Borough; and;

**NOW,** therefore, be it hereby enacted and ordained by the Council of the Borough of Columbia, Lancaster County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

**SECTION 1. Amend.** Amending the Zoning Ordinance of Columbia Borough, as amended, (the Zoning Ordinance”) Chapter 220 Zoning to read as follows:

CHAPTER 220 ZONING

Sec. 220-20 Designation of districts and purposes

§ 220-20 **Designation of districts and purposes.**

D. Purposes of each district. The purposes of each zoning district are summarized below:

(11) LB Light Business District: To provide for a range of light commercial, institutional, and industrial uses, in a manner that is compatible with adjacent homes, enhances the quality of life of the public, and to also provides for continuation of the airport, if desired by the property owner. the development of the McGinness Innovation Park.

§ 220-20 Attachment 2: Table of Permitted Uses by District Primarily Nonresidential Districts.

Types of Uses (See definitions in Article II)	Zoning Districts							
	INSR	DC & NC	MDRB	LB	CR	HC	RC	LI & GI
<b>Miscellaneous Uses</b>								
Parking lot as the principal use of a lot	N	P	N	<del>N</del> P	N	P	SE	P

§ 220-20 Attachment 3: Table of Dimensional Requirements.

Zoning District: Type of Use	Minimum Lot Area <sup>6</sup> (square feet)	Minimum Lot Width Measured at Minimum Building Setback Line <sup>10</sup> (feet)	Minimum Front Yard Setback (feet)	Minimum Rear Yard Setback <sup>2</sup> (feet)	Minimum Side Yard Setback, <sup>2</sup> Each (feet)	Maximum Coverage
LB or CR Districts	<del>5-acre minimum tract size, which may be subdivided into 20,000 square foot minimum lots</del>	<del>50 80</del>	<del>30 0</del>	25 <sup>3</sup>	<del>25<sup>3</sup></del> <u>0</u>	<del>40% maximum building coverage;</del> 85% maximum impervious coverage

**SECTION 2. Severability.** The provisions of this Ordinance shall be severable and, if any of the provisions of this Ordinance are hereby repealed insofar as some affect this Ordinance.

**SECTION 3. Repealer.** All Ordinances or parts of the Ordinance conflicting with any of the provisions of this Ordinance are hereby repealed insofar as some affect his Ordinance.

**SECTION 4. Effective Date.** Upon the effective date of this ordinance, the proper officials of the Borough of Columbia are ordained that the provisions of this Ordinance shall become and be made a part of the Borough of Columbia’s Code of Ordinances.

This Ordinance shall become effective immediately as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this \_\_\_\_ day of \_\_\_\_ 2024, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,  
LANCASTER COUNTY, PENNSYLVANIA

By: \_\_\_\_\_

Heather Zink,  
President of Borough Council

ATTEST:

\_\_\_\_\_  
Mark E. Stivers, AICP  
Borough Manager/Secretary

Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

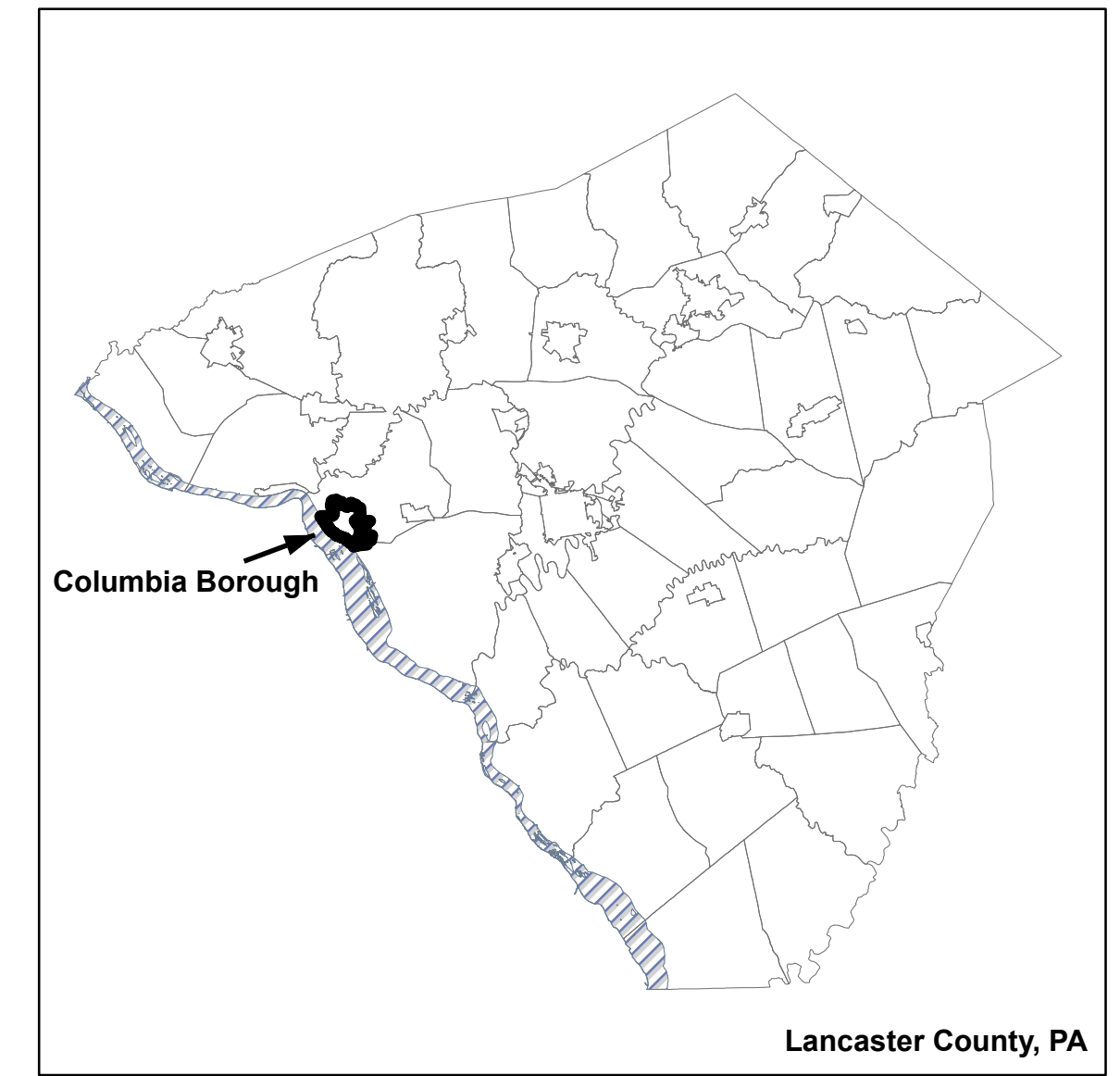
\_\_\_\_\_  
Leo S. Lutz, Mayor



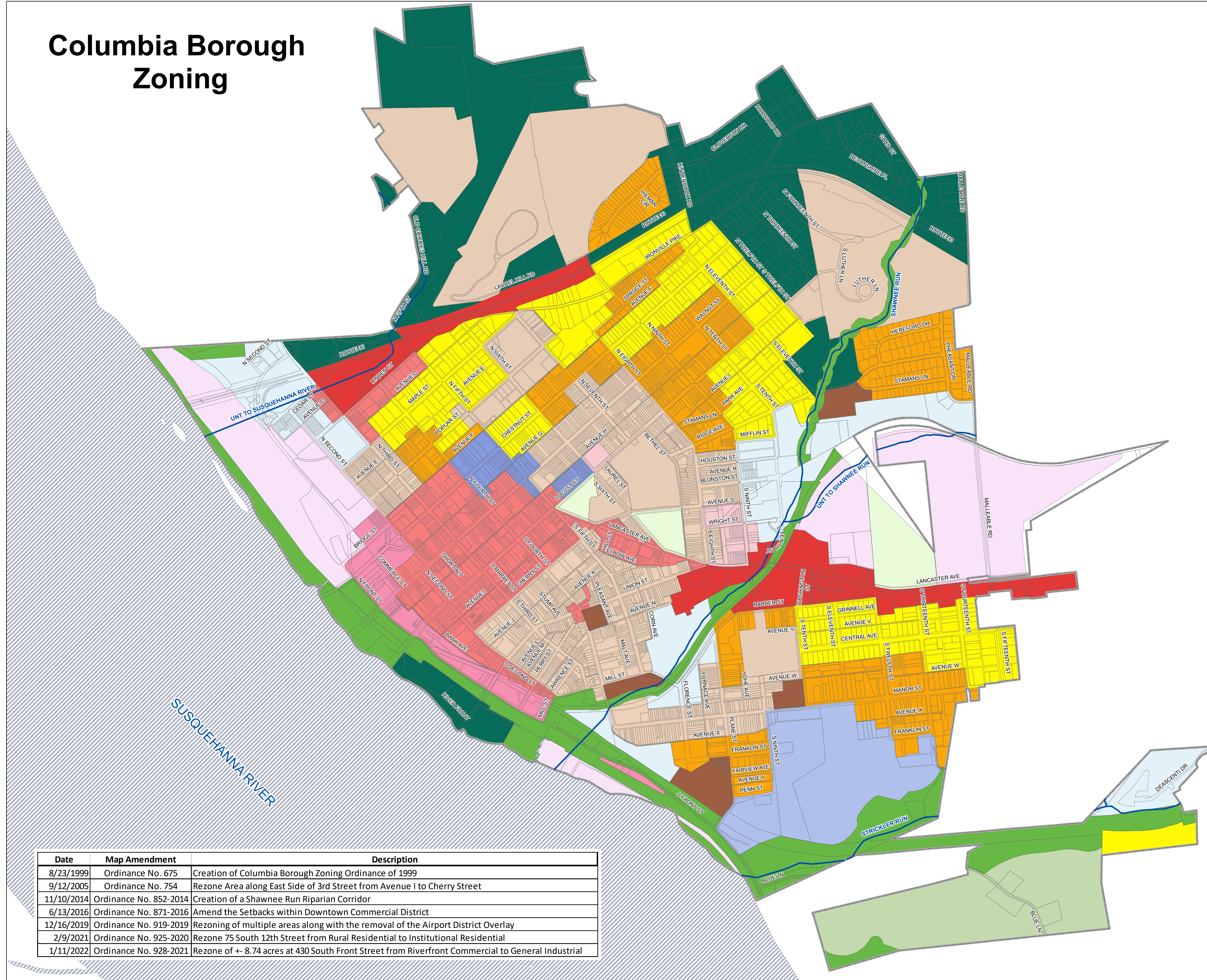




# Columbia Borough Zoning



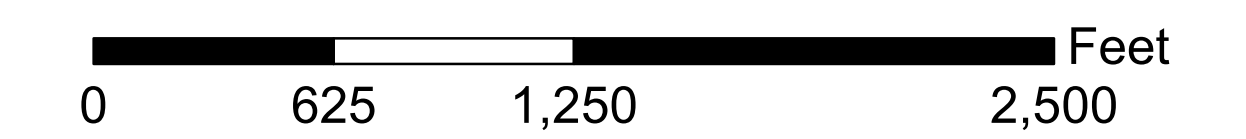
Location Map



## Legend

### Zoning

- COMMERCIAL RECREATION
- CONSERVATION
- DOWNTOWN COMMERCIAL
- GENERAL INDUSTRIAL
- HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL-MULTI-FAMILY
- HIGHWAY COMMERCIAL
- INSTITUTIONAL-RESIDENTIAL
- LIGHT BUSINESS
- LIGHT INDUSTRIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL-LIGHT BUS
- NEIGHBORHOOD COMMERCIAL
- PARK AND OPEN SPACE
- RIVERFRONT COMMERCIAL
- RURAL RESIDENTIAL



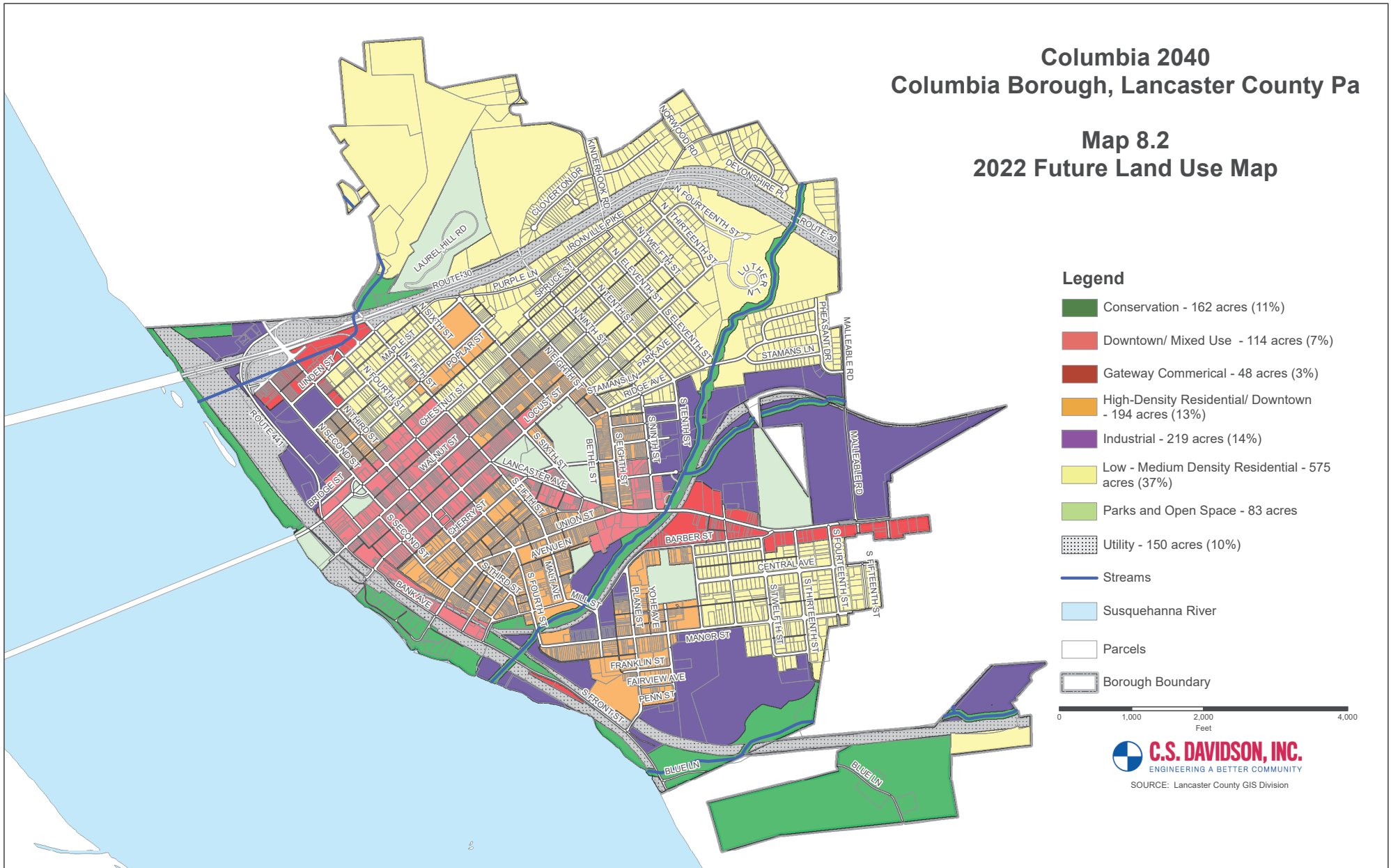
Date	Map Amendment	Description
8/23/1999	Ordinance No. 675	Creation of Columbia Borough Zoning Ordinance of 1999
9/12/2005	Ordinance No. 754	Rezone Area along East Side of 3rd Street from Avenue I to Cherry Street
11/10/2014	Ordinance No. 852-2014	Creation of a Shawnee Run Riparian Corridor
6/13/2016	Ordinance No. 871-2016	Amend the Setbacks within Downtown Commercial District
12/16/2019	Ordinance No. 919-2019	Rezoning of multiple areas along with the removal of the Airport District Overlay
2/9/2021	Ordinance No. 925-2020	Rezone 75 South 12th Street from Rural Residential to Institutional Residential
1/11/2022	Ordinance No. 928-2021	Rezone of +- 8.74 acres at 430 South Front Street from Riverfront Commercial to General Industrial





# Columbia 2040 Columbia Borough, Lancaster County Pa

## Map 8.2 2022 Future Land Use Map



**REGISTRATION FOR THE  
LANCASTER COUNTY HOTEL ROOM RENTAL TAX  
AND EXCISE TAX FOR SHORT TERM STAYS**

**AMBER MARTIN, LANCASTER COUNTY TREASURER**  
150 North Queen Street, Suite #122  
P.O. Box 1447, Lancaster, PA 17608-1447  
(717) 299-8222

1. **LEGAL NAME OF OWNER:** \_\_\_\_\_

2. **TRADE/FACILITY NAME:** \_\_\_\_\_

3. **FACILITY LOCATION (PO BOX, NOT ACCEPTABLE): MUNICIPALITY:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_ **TELEPHONE** \_\_\_\_\_

4. **BILLING ADDRESS (IF DIFFERENT THAN #2). ALL RECORDS INVOLVING COUNTY OF LANCASTER TRANSACTIONS MUST BE KEPT AT THE BUSINESS LOCATION.**

5. **FEDERAL EMPLOYER IDENTIFICATION NUMBER (EIN) or (SS#):** \_\_\_\_\_

6. **APPLICANT IS OPERATING AS:** \_\_\_\_\_ INDIVIDUAL \_\_\_\_\_ PARTNERSHIP \_\_\_\_\_ ASSOCIATION  
\_\_\_\_\_ CORPORATION \_\_\_\_\_ OTHER (DESCRIBE): \_\_\_\_\_

7. **PLEASE LIST THE NAME(S), TITLE(S), AND TELEPHONE NUMBER OF INDIVIDUAL(S) RESPONSIBLE FOR REMITTING THE COUNTY ROOM RENTAL TAX:**

NAME \_\_\_\_\_ TITLE \_\_\_\_\_ PHONE # \_\_\_\_\_

NAME \_\_\_\_\_ TITLE \_\_\_\_\_ PHONE # \_\_\_\_\_

8. **TYPE OF BUSINESS:** \_\_\_\_\_ HOTEL \_\_\_\_\_ MOTEL \_\_\_\_\_ INN \_\_\_\_\_ BED & BREAKFAST \_\_\_\_\_ GUEST HOUSE

**BOOKING AGENT:** \_\_\_\_\_ AIRBNB \_\_\_\_\_ VRBO/HOMEAWAY OR OTHER: \_\_\_\_\_

9. **DATE OPENED:** \_\_\_\_\_

**NOTE: The Lancaster County Hotel Room Rental Tax of 3.9% does not apply to an establishment that is a Bed and Breakfast Homestead or Inn” as Defined in the Act of May 23, 1945, referred to as the Public Eating and Drinking Place Law. Under that law, the words “Bed & Breakfast Homestead or Inn” shall mean a private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.**

10. **DO YOU RESIDE IN THE GUEST HOME PROVIDING OVERNIGHT ACCOMMODATIONS?** \_\_\_\_\_ YES \_\_\_\_\_ NO

11. **DO YOU PROVIDE BREAKFAST?** \_\_\_\_\_ YES \_\_\_\_\_ NO

12. **DOES THE CHARGE FOR OCCUPANCY OF ROOM INCLUDE BREAKFAST?** \_\_\_\_\_ YES \_\_\_\_\_ NO

13. **NUMBER OF LODGING ROOMS:** \_\_\_\_\_

13. **PRICE RANGE:** PER DAY \_\_\_\_\_ PER WEEK \_\_\_\_\_ PER MONTH \_\_\_\_\_

I CERTIFY THAT THE INFORMATION PROVIDED ON THIS REGISTRATION FORM HAS BEEN EXAMINED BY ME, AND IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, CORRECT AND COMPLETE.

**NAME** \_\_\_\_\_ **TITLE** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_ **PHONE #** \_\_\_\_\_

**UPON COMPLETION OF THIS REGISTRATION AND ISSUANCE OF THE CERTIFICATE OF AUTHORIZATION,  
YOU WILL BE AUTHORIZED BY THE LANCASTER COUNTY TREASURER TO COLLECT AND REMIT  
THE OCCUPANCY TAX, aka HOTEL ROOM AND HOTEL EXCISE TAX.**





Covered Bridge Cottage, Historic Poole Forge, Churchtown

# SHORT-TERM RENTAL REGULATION

02

Community Planning Tool #02  
January 2019



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## ***ABOUT THIS SERIES***

This report is one in a series of Community Planning Tools that have been created to assist municipal officials in a variety of planning topics, and to craft tools to implement the goals of local plans and the seven catalytic goals of the Lancaster County Comprehensive Plan, places 2040. It is the intent of this series to provide timely discussion and recommendations for specific planning issues relevant to many County municipalities.

The format of each of these reports begins with a general background of the topic, including past planning and regulatory approaches followed in both Lancaster County and elsewhere, as well as some new planning challenges that have arisen. This general discussion will be followed by a series of questions directed at municipal officials to gauge local opinions on specific topics.

The final part of the report is to use the decisions made by local officials to craft implementable planning and regulatory language. Sample ordinance provisions will be recommended for consideration by the municipality. The Lancaster County Planning Commission staff is also always available to assist municipal officials and to tailor the recommendations of the Community Planning Tool to local needs.

# SHORT-TERM RENTAL REGULATION

Internet-based, short-term rentals (STRs) has been a major issue for local governments for a few years now. From the consumers' perspective, they are more popular than ever, but many local governments are still wrestling with questions about whether this industry should be regulated and, if so, how?

One of the major impacts of STRs is that they are moving visitors into residential areas that were never meant for such an influx of travelers. For some areas, the arrival of STRs is a way to stimulate tourism and for local families to generate some extra income. For other areas, it has been accompanied with stories about neighborhood-related challenges and reductions in long-term rental availability, especially in urban areas.

With the advent of technology-based online platforms that facilitate the marketing of STRs, this market has expanded into Lancaster County. Some municipalities in recent years have often been faced with decisions regarding the appropriate scale and location of these uses in their community. The Pennsylvania Municipalities Planning Code (MPC) gives local municipalities the authority through comprehensive plans and ordinances to set provisions regulating operation and maintenance of short-term rental units. There are municipalities in Lancaster County that have recently implemented or are considering some form of short-term rental regulation. The most common reasons municipalities regulate short-term rentals include:

1. Residential character of the neighborhood. There may be concerns about what impact short term rentals may have on the residential character of a neighborhood.
2. Property Maintenance. There may be concerns that, in some instances, short term rentals with no owner-occupant present will be less cared for than permanent residences.
3. Revenue. For some communities, particularly those with a robust tourist industry, short-term rentals may represent a significant source of tax revenue. Communities may require registration or licensing of

short-term rentals as a means of identifying such properties, in part, for the collection of occupancy taxes.

4. Fairer competition with licensed lodging. Short-term rental regulation may also be viewed to level the playing field between these properties and competing hotels, motels, and bed and breakfasts that are regulated under state or local law.
5. Protection and Safety. Short-term rental regulations may include operational restrictions and inspection requirements to ensure that proper health and safety standards are maintained.
6. Impact on Affordable Housing. Another issue of concern is the impact of short-term rentals on a community's affordable housing supply. In this case, the concern isn't necessarily about a homeowner renting out a room or backyard cottage to help with monthly mortgage payments. Instead, the fear is that property owners will purchase residential units and rent them out on a short-term basis to out-of-town visitors, thereby taking them out of the year-round rental housing supply.

Before adopting ordinance regulations for STRs, municipalities should review the land use goals and objectives identified in their comprehensive plan and the purpose statements for specific zoning districts in their zoning ordinance. These planning documents provide a context to evaluate the appropriateness of specific uses in specific areas of the municipality.

A balanced approach to address concerns on both sides of the issue is the trend. Neither outright prohibition, nor absence of regulation are typically used as a means of addressing this use by any of the benchmarked communities. The trend is generally a type of compromise with oversight by local government.

# Short-Term Rentals Regulations FAQs

## I. *What is a short-term rental?*

A short-term vacation rental (also called a vacation rental or STR) is most often defined as a rental of a residential dwelling unit or accessory building for periods of less than 30 consecutive days. In some communities, short-term rental housing may be referred to as vacation rentals, transient rentals, short-term vacation rentals or resort dwelling units. Short-term rentals are often divided into:

	<i>Owner-occupied dwellings</i>	<i>Unoccupied dwellings</i>
<b>Entire homes</b>	Example: An owner living in their residence most of the time but renting out the entire home for a few days or weeks (up to consecutive 30 days) a year.	Example: An absentee-owner who rents out his/her property in increments of less than 30 days one or more times per year.
<b>Accessory dwellings</b>	Example: An owner who rents out a garage apartment or back cottage on the same property as their primary home for short periods is operating an accessory dwelling STR.	Example: An absentee-owner who rents out an accessory dwelling on his/her non-primary residence in increments of less than 30 days one or more times per year.
<b>Rooms</b>	Example: An owner who rents out one or more rooms in his/her primary home in increments of less than 30 days.	Example: An absentee-owner who rents out one or more rooms in his/her non-primary residence in increments of less than 30 days one or more times per year.

The level of rental property regulation varies. Some communities regulate whether an owner or manager is required to be present during the time of the rental.

There could be further distinctions between:

1. Short-term rental properties that are classified as single-family homes vs. properties that are classified as multi-family homes.
2. Short-term rental properties located in areas zoned as residential vs properties located in in areas zoned as commercial or multi-use areas.
3. Short-term rentals for which the owner is present during the entire rental period vs. short-term rentals for which the owner is not present.

As a first step in creating regulations, municipal officials should discuss these scenarios and determine if any of these scenarios are compatible with the existing communities and are enforceable within their jurisdictions. For example,

**Elizabethtown Borough** determined that STRs within the Borough must be owner-occupied:

- *SHORT-TERM LODGING ACCOMMODATION. An owner-occupied dwelling unit that provides rooms for transient occupancy, as defined in this Part, to individuals unrelated to the occupants of the dwelling unit.*



In this draft amendment from **West Cocalico Township**, it is determined that all short-term rental scenarios are allowed:

- *SHORT-TERM RENTAL. Any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than 30 days.*

## ***II. What is the sharing economy and home-sharing?***

The sharing economy refers to the increasing number of peer-to-peer transactions being performed for services such as car transportation and, as pertinent here, home-sharing. Home-sharing is the term used when home property owners can connect with potential short-term lodgers through internet platforms.

## ***III. Is there a need to adopt specific regulations for Short-Term Rentals?***

In general, short-term rental restrictions are typically adopted under the specific authority of a state zoning enabling statute or the general police power delegated to local governments by the state constitution, or by statute. A municipality could regulate the land use impacts of short-term rentals through the zoning ordinance and have a separate regulation governing other aspects of short-term rentals, such as licensing, that can't be governed through zoning. Zoning regulations that restrict short-term rentals in residential areas have been upheld where the restrictions are found to be substantially related to land use impacts in the area. Prohibiting short-term occupancy in single-family areas has been held to be within the lawful scope of the zoning power.

Municipal officials should be aware that unclear zoning regulations of short-term rentals can be problematic. Recently, the Pennsylvania Commonwealth Court has decided a case, [\*Reihner v. City of Scranton Zoning Hearing Board\*](#), involving the application of ambiguous zoning regulations of short-term residential rentals.

*Reihner* originated with a notice of violation issued in response to neighbor complaints about the use of a single-family home, or portion thereof, as a short-term rental property. Critically, the municipality had not amended its zoning ordinance to address short-term rentals. Rather, the City relied on existing regulations and terms as the basis for enforcement. In this case, the Commonwealth Court determined that the treatment of the newly popular rental activity was ambiguous under the existing applicable zoning regulations, and that Section 603 of the MPC requires interpretation of ambiguous terms in a zoning ordinance to be in favor of the property owner, i.e. in a manner that allows the broadest use of the property. While the specific definitions and regulations at issue in a case are unique to each municipality's ordinance, the court's application of the rules of interpretation to address the evolving use is relevant throughout the state.

Based on this Commonwealth Court case and similar cases that proceeded it, the Commonwealth Court has made it clear that a municipality must have distinct terms and regulations for STRs. Complications can arise when municipalities do not amend their zoning ordinances to reflect new and evolving uses. One potential result is language that pre-dated a new or newly popular use becoming ambiguous when applied to that use. The resulting ambiguities can create confusion within municipal governments and among their residents, risking financial loss and delay by all parties. Accordingly, property owners and municipalities alike should seek clear zoning parameters that balance owners' use of their property and the health, safety, and welfare of others. The first step in drafting ordinance provisions for STRs is to create terms that distinguishes STRs from residential dwellings and other lodging accommodations. Here are terms found in a draft zoning amendment from West Cocalico Township and the adopted zoning amendment from Elizabethtown Borough meant to distinguish residential and other lodging uses from STRs:

*continued next page*

## **Definitions.**

**BED-AND-BREAKFAST ESTABLISHMENT.** *The use of an owner-occupied, single-family, detached structure or portion thereof providing for compensation, sleeping accommodations, and breakfast for transient occupants. {Elizabethtown Borough Zoning Code}*

**DWELLING.** *A building or structure designed for living quarters for one or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land. A dwelling shall not include transient occupancy unless otherwise permitted as a bed and breakfast establishment or short term lodging accommodation. {Elizabethtown Borough Building Code}*

**FAMILY.** *Any number of individuals living and cooking together as a single housekeeping unit, including not more than three unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage, legal adoption or foster relationship to any other individual in the dwelling unit. A family shall also expressly include any number of unrelated persons who reside within a licensed group home, as defined herein. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term. {Elizabethtown Borough Zoning Code}*

**HOTEL/MOTEL.** *A building or group of buildings where more than individual sleeping quarters that may have separate entrances are offered for compensation, to transient occupants as defined in this Part, licensed under applicable laws and regulations. Such a use may have ancillary services such as recreational facilities, dining services, meeting rooms, and or fitness centers. {Elizabethtown Borough Building Code}*

**OWNER OCCUPIED OR OCCUPIED BY OWNER –** *A dwelling unit that is the primary, permanent residence and domicile of a natural person who is identified as the owner or one of the owners on the deed for the property. In order for a dwelling unit to be considered owner occupied, the dwelling must be considered the domicile of the record owner or at least one of the record owners under Pennsylvania law, and the owner must physically reside in the dwelling not less than six (6) months each calendar year, and the owner cannot be registered to vote at any other address, and the owner must use the dwelling at the owner's address for payment of taxes including, but not limited to, earned income taxes. {Elizabethtown Borough Building Code}*

**RESIDENTIAL RENTAL UNIT.** *(1) a dwelling unit let for rent, or (2) a rooming unit, or (3) a bed-and-breakfast establishment, or (4) a short-term lodging accommodation, or (5) an accessory dwelling unit, or (6) a dwelling unit that is not occupied by the owner, is a residential rental unit. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multi-family building, each individual bed-and-breakfast establishment, each individual rooming unit, and each individual short-term lodging accommodation shall be considered a residential rental unit whether the owner or a relative of the owner also resides in the structure. A residential rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six months) agreements for sale. A residential rental unit shall not include a hotel/motel as defined herein or a hospital room utilized for medical services. It shall include an institutional facility room. {Elizabethtown Borough Building Code}*

**TRANSIENT OCCUPANCY.** *Use, occupancy, and/or possession of a dwelling unit or portion thereof for a period of thirty (30) consecutive calendar days or less. {Elizabethtown Borough Zoning Code}*

**TRANSIENT OCCUPANT.** *A person who uses, possesses, or occupies a dwelling unit or portion thereof for a period of thirty (30) consecutive calendar days or less. {Elizabethtown Borough Building Code}*

#### ***IV. What taxes apply to a rental of a room?***

There are several taxes that may apply to a rental of a room. An occupancy tax is a tax on the rental of rooms that local governments may require. In many places, an occupancy tax can also be known as a transient occupancy tax, lodging tax, a bed tax, or a tourist tax. Usually the occupancy tax is determined at the county level, but some cities may also have a city tax in addition to the county occupancy tax. A hotel tax, often referred to as a sales tax, may be required by state government. The concept of these taxes is relatively straightforward: guests pay a small additional amount as a percentage of their lodging rate, and that tax is then paid by the business owner to local and state governments on a monthly or quarterly basis. In some instances, the collection and use of occupancy tax revenue is administered directly by county commissioners or city council members, in the same way that other local tax revenues such as property taxes are administered.

In some instances, a lodging guest will need to pay occupancy taxes collected by two different governmental entities. They're generally owed on the accommodations price plus any fees for other items, like cleanings or extra guests. In some places, occupancy tax is required on a per person, per night basis. There are typically long-term stay exceptions that exempt stays over a certain number of nights (i.e. 30 nights). Occupancy tax is generally paid by the guest, but the obligation to remit the taxes to the government usually falls on the short-term landlord / host.

Under Pennsylvania law, anyone who rents out their property to provide lodging for less than 30 days to the same person must collect and remit the Pennsylvania hotel occupancy tax to the Department of Revenue. The tax rate is the same as the Commonwealth's sales tax, 6 percent. Some counties impose an additional tax collected by the county treasurer. Lancaster County, for example, has an occupancy tax that covers all lodging properties in the entire county, and the municipality where the lodging is located may have their own occupancy tax in addition to that county's tax. For more information about the Lancaster County occupancy tax on STRs, visit the County Treasurer website at <https://co.lancaster.pa.us/588/Hotel-Tax>.

#### ***V. Do short-term rentals impact housing cost?***

The rise and growth of short-term rental housing has created plenty of debate amongst local governments, housing activists, and residents about the impact of such rentals on the availability of affordability of long-term rental housing. Municipalities should analyze their own housing markets and vacancy rates and consider whether short-term rentals may impact housing affordability in their community.

To ensure that residential neighborhoods are not inadvertently turned into tourist areas, municipalities should analyze the legal implications of limiting the number of short-term rental permits allowed in any given neighborhood, or adopt a "permanent residency requirement" for short-term rental permit holders.

#### ***VI. How can a municipality minimize public safety risks and possible noise and trash problems?***

A registration process for a permit or license for short-term rentals is typically used to track their locations, perform health and safety inspections, and to allow for the collection of occupancy taxes. This method has proven to be effective if a municipality has adopted short-term rental requirements. The municipality should include requirements such as:

1. Short-term rental permit holders listing a "local contact" that can be reached 24/7 and immediately take corrective action in the event any non-emergency issues are reported (i.e. deal with suspected noise, trash or parking problems.) All emergency situations should be immediately reported to the police, fire department, or other public safety officials.

2. Required physical safety inspections to be conducted by municipal staff or the local fire/police force which can cover a variety of potential safety hazards. Such inspections should ensure that all rentals provide a minimum level of protection to the renters who are sleeping in unfamiliar surroundings and therefore may be disadvantaged if forced to evacuate the structure in the event of an emergency. Some administrative searches require a warrant and municipalities should consult their solicitor before enacting an ordinance.
3. Put in place a specific limit on the number of people that can stay on the property at any given time. The “people limit” can be the same for all permitted properties (i.e. a max of 10 people) or be correlated with the number of bedrooms. In addition, the regulation should formally specify that any advertisement of the property (offline or online) and all rental contracts must contain language that specifies the allowed “people limit” to make it clear to renters that the home cannot be used for large gatherings.

The **Elizabethtown Borough** zoning code sets transient capacity by individual zoning districts and provides the use requirements for STRs:

*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 chapter or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.*

- *R-1 Residential District:*
  - *Short-Term Lodging Accommodations not to exceed \_\_\_\_\_ transient occupants.*
- *R-2 Residential District:*
  - *Short-Term Lodging Accommodations not to exceed \_\_\_\_\_ transient occupants.*
- *R-3 Residential District:*
  - *Short-Term Lodging Accommodations not to exceed \_\_\_\_\_ transient occupants.*

**Short-Term Lodging Accommodations.**

*Operators of short-term lodging accommodations shall conform to the following standards:*

- *Shall not provide meals for compensation.*
- *May provide off-street parking for transient guests, but is not required.*
- *Shall apply for and receiving a residential rental license.*
- *The length of stay per transient occupant shall be limited to a maximum of \_\_\_\_\_ days.*
- *Short-term lodging accommodations shall not exceed the number of transient occupants allowed within the applicable zoning district.*
- *Operator(s) of short -term lodging accommodations shall not operate more than \_\_\_\_\_ cumulative days in a year, and must operate such uses in strict conformance to all applicable provisions of the Elizabethtown Borough Code of Ordinances.*

**Middle Smithfield Township in Monroe County** has a zoning code that regulates the locations, individual zoning districts and provides the use requirements for STRs:

**Short-term rental of residential dwelling units.**

*The following supplementary regulations shall apply to the short-term rental of residential dwelling units:*

- *When a residential dwelling unit use is permitted in the Conservation, Rural Reserve, R1 Residential, R2 Residential, and R3 Residential Zoning Districts (“Residential Zoning Districts”), short-term rental of the dwelling unit for residential purposes shall also be permitted, provided that the short-term rental use of the dwelling unit shall not exceed, in total, a maximum of \_\_\_\_\_ days in a calendar year. Short-term rental that exceeds the limitation shall be considered a hotel/motel/inn use, which is limited to the Commercial Zoning District, and prohibited in the Residential Zoning Districts.*
- *Short-term rental of a residential dwelling unit in the Commercial and Industrial Zoning Districts shall be permitted, without a limitation on the number of days of short-term rental use in a calendar year.*
- *Short-term rental use of a dwelling unit shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, other provisions of the Zoning Ordinance which would be applicable to the use of the property as a dwelling unit when not subject to short-term rental.*
- *The commencement of short-term rental activity of a dwelling unit shall be considered a change in use of the property, and shall not occur without the property owner first applying for, and receiving, a zoning permit from the municipality for such change in use.*
- *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.*
- *A short-term rental permit is effective for a period of \_\_\_\_\_ year(s), or until any of the conditions of the short-term rental are changed.*

When drafting zoning regulations, it’s important for municipalities to review other code requirements in their codified ordinances. **Middle Smithfield Township** also has a code specific to STR regulation. This language is from the Standards for Operation section of the code:

- *Overnight occupancy of a short-term rental shall be limited to no more than \_\_\_\_\_ persons per bedroom.*
- *The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be \_\_\_\_\_ % for the maximum overnight occupancy of the short-term rental.*

*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 Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any short-term rental advertising more than \_\_\_\_\_ bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the*

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*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.*

For rural communities in Lancaster County that don't have home rental permit requirements in place, LCPC recommends that if those municipalities add permit requirements for STRs, to make the requirements flexible to address these facilities on a case by case basis. Also, these municipalities should include provisions that require properties that are not served by public sewer and public water have sufficient sewage capacity and safe drinking water. In a recent draft ordinance from **West Cocalico Township** many of these aspects are addressed. The Township is proposing for STR's to be allowed as special exception uses within the Agricultural and Woodland zoning districts. It would require for applicants to go through a permitting process where the Zoning Hearing Board will set conditions for that specific STR operation. Here's the draft zoning language:

### **Short-Term Rental**

- *No more than one short-term rental unit may be located in a structure, and a short term rental unit may not be located in a structure which also contains one or more dwelling units.*
- *The applicant for a special exception shall demonstrate that the proposed short-term rental unit contains or meets all of the following:*
  - *Smoke detector in each bedroom.*
  - *Smoke detector outside each bedroom in the common hallway.*
  - *Smoke detector on each floor.*
  - *GFI outlet required if outlet located within six feet of water source (all sinks, sump pumps, etc.).*
  - *Aluminum or metal exhaust from dryer (if a dryer is provided).*
  - *Carbon monoxide detector if open flame (oil or gas) furnace or gas fireplace.*
  - *Carbon monoxide detector if garage is attached.*
  - *Fire extinguisher in kitchen.*
  - *Stairs (indoor and outdoor) in good condition.*
  - *Covers on all outlets.*
  - *If not served by a municipal water supply, the owner shall provide proof that a potable water supply is available for the unit.*
  - *If not served by a public sewer system, evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental unit.*

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- Fully functioning bathing and toilet facilities.
- Fully functioning kitchen (if one has been installed).
- The Pennsylvania Uniform Construction Code as adopted by the Township.
- T. The applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:
  - The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
  - The 911 address of the property.
  - The maximum number of occupants permitted to stay in the short-term rental unit.
- The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.
- Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of secured containers.
- Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.
- Notification that the occupants must complete a manifest identifying the occupants and emergency contact information and place such manifest in the outdoor box installed to contain such manifest.
- The applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Township or within 30 miles of the short-term rental unit may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.
- The applicant shall demonstrate that the applicant has installed an outdoor box which will be used to contain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.
- If the special exception is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
- A short-term rental unit may be rented only to a person 21-years of age or older.

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- *The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.*
- *The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.*
- *The owner of the short-term rental unit shall apply each year for a permit to authorize continued operation of the short-term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provides sufficient inform for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this Section \_\_\_\_\_ and confirm that the short-term rental unit meets all other applicable Township Ordinances. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one year period. Operation of a short-term rental without the required annual permit is a violation of this Chapter.*

### **VII. How does our municipality regulate parking issues connected to Short-Term Rentals?**

Municipalities should adopt a formal permit requirement and put in place a specific limit on the number of motor vehicles that short-term renters can park on/near the property. The “motor vehicle limit” can be consistent with existing requirements for residential uses (i.e. a max of 2) or be dependent on the number of permanent parking spots available on the property. In addition, the regulation could also formally specify that any advertisement of the property (offline or online) and any rental contract must contain language that specifies the allowed “motor vehicle limit” to make it clear to (potential) renters that bringing more cars is disallowed. For example, The **West Cocalico Township** draft amendment proposes a STR parking requirement of one space per bedroom.

### **VIII. Should Short-Term Rentals be regulated the same as Bed & Breakfasts?**

There is no “official” legal definition of a Bed & Breakfast (B&Bs) in Pennsylvania. However, the definitions below for “BED AND BREAKFAST” is used in legislation that exempts owners of B&Bs from being required to have a commercial kitchen license. B&Bs that want to serve meals other than breakfast or if their property has over ten rooms, a special license must be obtained through the Department of Agriculture.

**Bed and Breakfast:** A residence with ten or fewer bedrooms for rent and in which breakfast is the only meal served and is included in the price of the accommodation.

**Bed and Breakfast Inn:** A larger property with more than 10 rooms, but still breakfast is the only meal served.

**Country Inn:** Can be as large as 25 rooms with full service dining available along with the accommodations.

**Farm Vacation:** Similar to a bed and breakfast, but having a farm setting. Often guests are invited to share in the working of the farm.



Bed and breakfasts (B&Bs) are small businesses that are typically owner-occupied and serve guests breakfast. Bed and breakfast regulations vary depending upon local ordinances and are subject to the statewide building code, the Uniform Construction Code (UCC) that is administered and enforced locally and at the state level. Some examples in variation of regulations are: areas allow a B&B to not be owner occupied, define the number of required rooms to obtain a B&B occupancy permit, and limit the number of consecutive nights that a room can be rented. However, there is consistency with most safety measures. Local ordinances will address fire escapes, fire extinguishers (safety tested yearly), smoke alarms and/or fire alarms (battery-operated or wired in with battery backup), boiler inspections, and even fire doors within their codified ordinances. In most cases, B&B's have registered to operate as a business within their community/state, carry commercial insurance, provide ample parking for guests, and remit local occupancy and state taxes.

Lodging at a STR property is similar to staying at a B&B. If STRs are specified in a local ordinance, municipalities can hold STR facilities to the same safety and performance provisions that are required of B&Bs and long-term rental properties. However, STR facilities are a little more difficult to identify. For the safety and protection of operators, lodgers, neighbors and the larger community, requiring STR's to register helps to determine that these properties meet the potential requisite health and safety inspections and have proof of liability insurance.

***IX. Are there special building code regulations we should be aware of? What about Americans with Disabilities Act (ADA) requirements for accessibility?***

Like safety and performance provisions, when specified, municipalities can require STR facilities to comply with the same ADA accommodations that are required of B&Bs. Each situation should be analyzed on a case-by-case basis. The Fair Housing Act outlines how a STR can be made to comply to ADA requirements set in a local codified ordinance. [Sec. 36.406\(c\), "Places of Lodging,"](#) in the 2010 ADA Title III Regulations was intended to clarify that places of lodging, including certain timeshares, condominium hotels, and mixed-use and corporate hotel facilities, shall comply with the provisions of these standards, including, but not limited to, the requirements for transient lodging. Whether a residence that includes a short-term rental is classified as a "residential dwelling" under the Fair Housing Act depends on whether it is intended to be used as a residence for more than a brief period. As a result, the operation of each residence needs to be examined carefully to determine whether it is intended to contain STR facilities. Municipalities should refer to the above-mentioned ADA guidelines and consult their building code officials to make these determinations.

The following is a link to the ADA Guidelines: <https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#406c>



Community Planning Tool #02– SHORT-TERM RENTAL REGULATION

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JANUARY 2019

**ORDINANCE NO. \_\_\_\_ - 20\_\_**

AN ORDINANCE ADDING CHAPTER 100 TO THE BOROUGH CODE OF ORDINANCES TO REGULATE SHORT-TERM RENTAL UNITS WITHIN THE BOROUGH AND ESTABLISH PENALTIES FOR VIOLATIONS.

§100-1 - Title.....	1
§100-2 - Scope .....	1
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Items highlighted in green can be tailored to fit the goals of the Borough and are accompanied by a text box with additional information.

**CHAPTER 100, SHORT TERM RENTALS**

**§ 100 -1 Title**

This Chapter shall be known as and may be cited as "The 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 Borough. 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.

### § 100-3 Interpretation

This Chapter is not intended to, and does not, excuse any landowner from compliance with the 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, sitting room, or similar is not to be considered a Bedroom.

Definitions of bedroom vary. Some mention the minimum size (70-80 square feet). Other definitions just say it is a space designed for sleeping purposes without noting the disqualifying factors as seen in this example.

**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 Borough must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Person in Charge.

Definitions of person in charge vary. There can be requirements for distance from rental location, though this is not always seen.

**SHORT TERM RENTAL** - Any Dwelling Unit utilized as a single-family residence rented for

Definitions of short-term rental vary. The number of days or less is consistently under one month (usually 29-30 days). Some require that there only be one family living in the rental at a time, while others have no opinion. Another point of this definition is a minimum night stay requirement.

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 Lancaster as defined in the County of Lancaster Ordinance **\_\_\_\_\_**, as amended.

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

## § 100-5 Permit Required

No owner of any property in Borough shall operate a Short-Term Rental in Borough without first obtaining a Short-Term Rental Permit from the Zoning Officer. Operation of a Short-Term Rental without such a 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.

## §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 the Person in Charge of the property.**

Requirements for owner residency is not always seen. When seen it can be a distance from the rental, or in terms of jurisdiction of where the owner lives (such as the same borough/city/etc.) as the rental.

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 a 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.**

On-site parking requirements specifically for short term rentals were not always seen. Some deferred to local zoning mandates for parking in a single-family home.

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.

There are different ways of looking into septic requirements, especially for short term rentals that can house many people. Some require this process only for those with more than a certain number (2) of bedrooms.

7. Copies of the current Lancaster 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 Borough.

<Many different requirements for liability insurance were seen. Typical values seen range from \$300,000-\$1,000,000.

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ten notice to the homeowner's association, indicating the intent to make application for and use the subject residential property for a Short-Term Rental, when applicable.

- B. 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.

Most permit renewals were schedules to be annual or every two years.

3. The 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)**

Numbers can be changed. Common practice showed two people per bedroom and two more additional people with a maximum of ten, although there were other ways of regulating this.

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%) of the maximum overnight occupancy of the Short-Term Rental.

75% capacity as an additional allowance of visitors was standard among ordinances who had this in place.

- 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 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.

Parking requirements can be seen in local zoning ordinances for a single-family home. If not defaulted to this, there were common ordinance specifics where there was to be one space per bedroom with a common cap at 3 spaces.

- 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.

This specifically was commonly seen in ordinances. Along the same note, a curfew/quiet hours were also seen in some ordinances. These hours were typically 10:00pm-8:00am on weekdays and 12:00am-8:00am on weekends.

- 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 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 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.

Not seen in all of the ordinances. Considerations for eco-tourism and implications should be made.

- 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.**

Parking requirements vary based on ordinance

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

Trash services (if government initiated) were not always included for short term rental properties



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

N. Compliance with the requirements of this section shall be considered the 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 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 Borough Council.

Fees for short term rentals and rental permits varied from \$200-2,000 with the renewal fees being around ½ of the original permit cost.

- 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 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 Borough Council.

Flexibility in permit duration.

- 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 a 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 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 Borough Council may or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the 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 that constitute the violation, cite the specific sections of this Chapter that are violated, indicate the action required to correct the violation and provide a time frame (established by the Enforcement 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 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 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 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 Borough for its general use.

Flexibility in punishments and penalties for violations.

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 (1) 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 Borough Council within thirty (30) days of the date of the denial of application or revocation of permit. An appeal shall be processed as follows:

1. All appeals shall be in writing and signed by the Appellant on forms prescribed by the Borough and shall be accompanied by a fee, the amount of which shall be established by the 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 a timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by the rules of the 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 Borough Council. The decision or, where no decision is called for, the findings shall be in writing by the 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 the 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 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 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 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 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 Council of Columbia Borough.

[SIGNATURE BLOCK]