



ORDINANCE 2010-200-36

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HARBORCREEK TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE NO. 2010-200, BY DELETING THE DEFINITION OF "SEASONAL RESIDENCE" AND PROVIDING REGULATIONS FOR EXISTING SHORT-TERM RENTALS

WHEREAS, the Township of Harborcreek recognizes that certain short-term rental (STR) units may already exist in the Lakefront Zoning District of Harborcreek Township, which would be "grandfathered" despite the provisions of this Ordinance amendment; and

WHEREAS, the required interior and exterior modifications to existing STRs, as set forth in this amendment are necessary to preserve and protect the health, safety, and welfare of owners, users, guests and neighbors in, and around, these STRs, and are not imposing an undue burden on owners of currently existing STRs to retrofit their STRs to include the features set forth hereafter; and

WHEREAS, the goal of imposing the rules and regulations herein set forth for the operation relating to the transient occupancy of an STR unit is promote the health, safety and welfare of owners, users, guests, and neighbors of STRs.

THEREFORE, BE IT ORDAINED AND ENACTED THIS 2nd DAY OF AUGUST 2023 AS FOLLOWS:

SECTION ONE: Section 402 of the Township Zoning Ordinance, No. 2010-200, entitled "Definitions" shall be amended by deleting the definition of, and the use of, "Seasonal Rental" (definition number 141), and replacing it with the term "short term rental" and other definitions related to that use and the definition of the term, as set forth hereafter:

- A. Bedroom – Any room or space designated to be used or intended to be used for sleeping purposes. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility room and similar uses are not considered bedrooms.
- B. Occupancy – The purpose for which a building or portion thereof is utilized or occupied.
- C. Short Term Rental – A dwelling unit owned or managed by a person or entity which is rented or leased to a Transient Visitor for a period of less than 30 days. This term shall not include "hotel/motel" as that term is referenced in the Zoning Ordinance.
- D. Short Term Rental License – The written grant of right to operate a Short-Term Rental.
- E. Transient Visitor – An occupant of a dwelling unit or bedroom for not more than 30 days, unless the occupant is related to the Owner as married spouse, parent or child, grandparent, grandchild, brother or sister.

SECTION TWO: Section 1007, Lakefront Zoning District, and sections thereafter through new section 1011 shall be added and modified to provide for existing Short-Term Rental and to delete reference to "Seasonal Dwellings".

- A. In section 1008, Table of Uses, reference to "Seasonal Dwellings" shall be deleted.

- B. No Short-Term rental shall be operated without a short-term rental license. Short term rental license applications shall require all of the following information:
1. Name, address, telephone number and email address of the property owner(s). If the owner(s) does/do not have a managing agency, agent, or local contact person, then the owner shall provide a 24-hour telephone number.
 2. The name, address, and 24-hour telephone number of the managing agency, agent or contact person.
 3. Proof of liability insurance.
 4. Floor plan for the short-term rental, including habitable floor space and total number of bedrooms.
 5. If the building is a two-family or multi-unit structure, the number of dwelling units and the number of dwelling units being used as short-term rentals.
 6. A parking plan showing the location and number of existing on-site parking spaces. If a parking expansion is being requested, it shall not exceed lot coverage and shall be noted on plan.
 7. If not on a public sewer system, a written approval from Erie County Department of Health stating existing sewage disposal system is in good working order.
 8. If property has well water, written letter from Department of Health stating water is safe for drinking.
 9. Copies of current Erie County Excise tax certificate and current Pennsylvania sales tax license.
 10. Signatures of both the owner(s) and the local managing agent or contact person.
 11. Copy of the current recorded Deed for the property establishing ownership.
- C. A Short-Term rental license shall be issued only to the owner(s) of the short-term rental property.
1. A separate short-term rental license is required for each dwelling unit; for 2-family or multi-family dwellings, a separate license shall be required for each dwelling unit being rented as a short-term rental.
 2. A short-term rental license 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 amended, whichever shall first occur. A short-term rental license must be renewed annually by March 31st and also when any of the conditions of the short-term rental, which are governed by this Chapter are amended.
 3. The owner(s), by making application for a short-term rental license and/or accepting issuance of a short-term rental license, grants permission for any and all inspections authorized by this Chapter.
 4. The Township will prescribe forms and procedures for the processing of license applications under this Ordinance.
 5. In the event that a short-term rental owner(s) receives two (2) violation notices (relating to the specific criteria or regulations under this Chapter), the Zoning Administrator may terminate and revoke an existing license or deny a new license in accordance with the terms of this Chapter, unless the Owner appeals the violation to Zoning Hearing Board and is found "not guilty".
- D. The following standards for Short Term rentals shall be enforced:
1. Overnight occupancy of a short-term rental shall be limited to the Harborcreek Zoning Ordinance 2010-200, Article XX, Section 2023 Boarders provision. A maximum of two (2) unrelated persons.
 2. The maximum number of bedrooms permitted for a short-term rental is five (5).

3. Outdoor parking for overnight and day guests shall be limited to available designated parking areas on the short-term rental property. In no event shall parking for short term rental guests include spaces in any private, community or public street right-of-way or on property's lawn.
Parking spaces shall be a minimum of nine (9) feet in width by eighteen (18) feet in length with adequate aisle space to facilitate access and use. Any expansion of parking areas for a short-term rental requires prior Township approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material which may require a stormwater management plan and shall count as part of the maximum lot coverage limits set forth in the Harborcreek Township Zoning Ordinance. Notwithstanding the foregoing, a short-term rental plan shall provide one (1) parking space for two (2) night guests and one (1) parking space for every two (2) day guests.
4. Overnight occupants and day guests shall not park commercial equipment includes trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles be stored or parked overnight.
5. Neither short term rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any 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 without good reason.
6. 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 Harborcreek Township Code of Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating laws, ordinances, or regulations regarding their occupancy.
7. 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 Harborcreek Township Ordinances 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.
8. Overnight occupancy of recreational vehicles, camper trailer and tents at the property where the short-term rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the short-term rental is prohibited.
9. 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:
 - a. The name of the managing agency, agent, property manager, local contact or owner of the unit and a telephone number at which that party can be reached on a 24-hour per day basis.
 - b. The 911 address of the property.
 - c. The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.

- d. The maximum number of all vehicles allowed to be parked on the property and the requirement that all guest parking must be on the property and not in or along any private, community or public street right-of-way, or property's lawn.
 - e. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except in water-tight metal or plastic containers from 6:00 p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up.
 - f. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Harborcreek Township Ordinances, including parking and occupancy limits.
 - g. Notification that short-term rental occupants and guests are required to make the dwelling unit available for inspection by the Zoning Officer upon request.
10. All short-term rentals shall be inspected by township Zoning Administrator and Building Inspector as part of the renters' initial application requirement and must be equipped with the following:
- a. Smoke detectors in each bedroom
 - b. Smoke detectors outside each bedroom in common hallways.
 - c. Smoke detectors on each floor.
 - d. All smoke detectors must be hard wired.
 - e. Must have GFI outlets for outlets located within six feet of water sources.
 - f. Aluminum or metal exhaust from clothes dryer.
 - g. Carbon Monoxide detectors, if the unit has any open flame (oil or gas), a furnace, gas or wood fireplace, or wood-burning stove.
 - h. Carbon Monoxide detector if garage is attached.
 - i. Fire Extinguisher in kitchen and one fire extinguisher on each floor and one in each bedroom.
 - j. Stairs (indoor and outdoor) in good condition.
 - k. Covers on all electrical outlets.
 - l. All bedrooms shall have a direct means of ingress and egress.
 - m. Knox Box
 - n. Meets all ADA requirements
 - o. Any other occupancy requirements, which may be added by Ordinance revisions/amendment from time to time.
11. All short-term rentals shall have a fully functional sewage disposal system at all times and complies with PA DEP regulations. If a sewage disposal system malfunction occurs the use of the dwelling as a short-term rental shall discontinue until the malfunction is corrected in accordance with the Township and Pa Department of Environmental Protection.
12. There shall be no visible signage in any public or private right-of-way or on any exterior structure on property.

13. All fees associated with short term rentals are at the owner(s) expense.
14. Short term rental license fees, payable to the Township upon the filing of a short term rental license application shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.

SECTION THREE: Existing short-term rentals shall be grandfathered only in the Lake Front District in accordance with the provisions of Section 1011 of the Zoning Ordinance.

SECTION FOUR: A new section 1011 shall be added setting forth the following standards for short term rentals:

- A. Any short-term rental license is good for a period of 1 year and expires March 31st of each year. Licenses must be renewed annually by March 31st. Short term rental license renewal fees, payable to the Township upon the filing of a short-term rental license renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- B. Short term rental license renewal shall require inspections outlined as set forth hereafter:
 1. All short-term rentals shall be subject to inspection by the Zoning Administrator and the Building Code Official to verify application information, license, license renewal, and or operating requirements.
 2. If there is reason to believe that any provision of the Chapter is being violated, the Zoning Officer, upon one-half (1/2) hour prior notice to Owner/Manager/Occupant, may enter onto the premises for the purpose of inspection of any and all premises, properties, buildings, and /or structures located at the premises in order to ascertain the existence of a violation(s). Said notice may be given by telephone call, voice message or e-mail or written to Owner/manager/occupant.

SECTION FIVE: Severability

If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision of portion of this Ordinance so long as it remains legally enforceable minus the invalid portion of this Ordinance. The Township reserves the right to amend this Ordinance of any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION SIX: Repealer

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

SECTION SEVEN: Effective Date

This Ordinance shall become effective the date written hereafter.

ENACTED AND ORDAINED THIS 2nd DAY OF August, 2023.

HARBORCREEK TOWNSHIP SUPERVISORS

Dean S. Pepicello, Chairperson

Timothy J. May, Supervisor

Stephen S. Oler, Supervisor

ATTEST:

Shelley Hull, Assistant Secretary

I hereby certify that the foregoing ordinance was advertised in the Erie Times on July 17, 2023 and July 25, 2023 a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Harborcreek Township Board of Supervisors held on August 2, 2023.