

## BOROUGH OF MILLERSVILLE

Lancaster County, Pennsylvania

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### ORDINANCE NO. 2024-04

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AN ORDINANCE TO AMEND THE MILLERSVILLE BOROUGH CODE OF ORDINANCES, CHAPTER 380, ZONING, TO PROVIDE REGULATIONS GOVERNING SHORT-TERM RENTALS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of Millersville Borough, Lancaster County, Pennsylvania, as follows:

Section 1. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Article II, Definitions, §380-21, Terms Defined, shall be amended by inserting the following definitions in alphabetical order:

RESIDENTIAL OCCUPANCY – The occupancy of a dwelling unit by the same family for a period of not less than 30 continuous days.

SHORT-TERM RENTAL – The use of a dwelling in a manner which does not meet the definition of residential occupancy, i.e. the occupancy of the dwelling by one family for a period of less than 30 continuous days. The use of a dwelling as an approved bed and breakfast inn as an accessory use shall not be considered a short-term rental.

Section 2. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Article III, Districts, §380-27, Table of Permitted Uses by District, Subsection A, Table of Permitted Uses – Primarily Residential and Park Districts, shall be amended by adding the following entry:

Types of Uses (See definitions in Article II)	Zoning Districts			
	R1	R2	R3	P
Short-Term Rental (See §380-34.A(44))	SE	N	N	N

Section 3. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Article III, Districts, §380-27, Table of Permitted Uses by District, Subsection B, Table of Permitted Uses – Primarily Nonresidential Districts, shall be amended by adding the following entry:

Types of Uses (See definitions in Article II)	Zoning Districts			
	RP	NC	GC	R-1A
Short-Term Rental (See §380-34.A(44))	SE	N	N	N

Section 4. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Article IV, Additional Requirements for Specific Uses, §380-34, Additional Requirements for Specific Principal Uses, Section A, shall be amended by adding a new Paragraph (44), which shall provide as follows:

(44) Short-Term Rental.

- (a) 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 contains a dwelling unit in addition to the short-term rental unit.
- (b) The applicant for a special exception shall demonstrate that the proposed short-term rental unit meets the Pennsylvania Uniform Construction Code as adopted by the Borough. The applicant shall submit a report by a person certified by the Department of Labor and Industry as an accessibility inspector/plans examiner and a building plans examiner identifying what changes to the structure are necessary to bring the structure into compliance with the requirements for the change in Use Group. The report relating to the Uniform Construction Code shall specifically address requirements to install sprinklers and accessibility requirements. If the special exception is granted, the applicant shall demonstrate that the short-term rental unit meets the requirements of the Uniform Construction Code prior to the issuance of a zoning permit.
- (c) The applicant for a special exception shall demonstrate that the short-term rental unit contains or meets the following:
  - [1] Smoke detector in each bedroom.
  - [2] Smoke detector outside each bedroom in the common hallway.
  - [3] Smoke detector on each floor, including attic and basement.
  - [4] GFI outlet required if outlet located within six feet of water source.
  - [5] Metal exhaust from dryer (if dryer provided).
  - [6] Carbon monoxide detector if fossil fuel appliances or furnace is installed.
  - [7] Carbon monoxide detector if garage is attached to unit.



- [8] Fire extinguisher in kitchen mounted in conspicuous location with a current charging tag.
  - [9] Indoor and outdoor stairs in good condition with handrails.
  - [10] All outlets and switches shall be properly covered.
  - [11] Fully functional bathing and toilet facilities.
  - [12] Fully functional kitchen.
  - [13] A placard shall be erected showing the floor plan to the front door exit. The placard shall be posted on the interior side of the front exit door or in an alternate location approved by the Zoning Officer.
- (d) 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:
- [1] 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.
  - [2] The 911 address of the property.
  - [3] The maximum number of occupants permitted to stay in the short-term rental unit.
  - [4] 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. This notification shall also expressly state that parking on grass is prohibited within the Borough. All vehicles must be parked within a garage (if provided) or on a paved driveway or paved off-street parking space.
  - [5] 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 three (3) secured containers.
  - [6] Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Borough Ordinances.
- (e) 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 Borough or within 20 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 Borough or to a police officer within one (1) hour 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.

- (f) 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.
- (g) The maximum occupancy of the short-term rental unit shall be based on the number of bedrooms. A short term rental unit may have no more than six bedrooms. Each bedroom shall be occupied by no more than two persons, excluding children under the age of five. The applicant shall provide the Zoning Hearing Board with a plan of the structure proposed to contain the short term rental unit identifying the rooms on each floor of the structure to enable the Zoning Hearing Board to determine the number of bedrooms and the maximum occupancy of the short term rental unit.
- (h) A short term rental unit may be rented only to a person 21 years of age or older.
- (i) 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 Borough 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.
- (j) The owner and, if applicable, the manager 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 Borough Ordinances or state law pertaining to noise, or disorderly conduct, promptly use his/her best effort to prevent a recurrence of such conduct by those occupants or guests.
- (k) The owner of the short-term rental unit shall submit an application each year for a permit to authorize continued operation of the short term rental unit, accompanied by any fee which Borough Council may establish by resolution. The application shall require that the owner provide 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 §380-44.A(44), and confirm that the short term rental unit meets all other applicable Borough Ordinances. The Zoning Officer may inspect the short-term rental unit to confirm compliance with this §380-44.A(44) and other applicable Borough 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.

Section 5. All other sections, parts and provisions of the Code of Ordinances of Millersville Borough shall remain in full force and effect as previously enacted and amended.

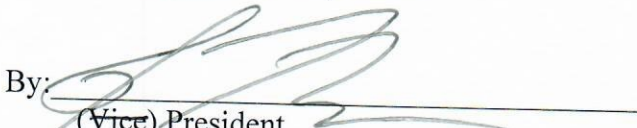
Section 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 7. This Ordinance shall take effect and be in from and after its enactment by Borough Council of the Borough of Millersville as provided by law.

DULY ORDAINED AND ENACTED this 25 day of June, 2024, by Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MILLERSVILLE  
Lancaster County, Pennsylvania

Attest:   
(Assistant) Secretary

By:   
(Vice) President  
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 25 day of June, 2024.

By:   
Mayor