

MOUNT GRETNA BOROUGH
ORDINANCE NUMBER 232

AN ORDINANCE AMENDING THE CODIFIED ORDINANCE OF MOUNT GRETNA BOROUGH CHAPTER 80 (CONSTRUCTION CODES, UNIFORM), CHAPTER 137 (RENTAL PROPERTIES), CHAPTER 162 (STREETS AND SIDEWALK), CHAPTER 181 (VEHICLES AND TRAFFIC), CHAPTER 176 (TREES), CHAPTER 118 (NOISE), AND CHAPTER 134 (PROPERTY MAINTENANCE) AS FOLLOWS:

BE IT ORDAINED AND ENACTED by the Mount Gretna Borough Council, and it is hereby ordained and enacted by the authority of the same as follows:

The Codified Ordinance of Mount Gretna Borough Chapter 80 (Construction Codes, Uniform) is hereby amended to read as follows:

SECTION ONE: §80-7 (Miscellaneous Provisions) is hereby amended to add Subsections J, K, and L as follows:

"J. All building permits issued by Mount Gretna Borough shall be visible from the street.

K. All residential dwellings shall be no more than two and a half stories high or 35 ½ feet whichever is less.

L. The height of the residential dwelling shall be measured from the street grade.

SECTION TWO: §80-7 (Miscellaneous Provisions) Subparagraph I is hereby amended to read as follows:

"I. Construction or Repair of Building. The erection, excavation, demolition, or operation or repair of any building other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, excluding National Holidays and every Sunday from September 16th until the day before Memorial Day, and 8:00 a.m. until 5:00 p.m. from Monday through Friday from Memorial Day until September 15th is hereby prohibited.

The Codified Ordinance of Mount Gretna Borough Chapter 162 (Streets and Sidewalk) Article II is hereby amended to read as follows:

SECTION THREE: §162-11, Subsection B is hereby amended to read as follows:

"B. All construction material, dumpsters, and porta potties shall not remain upon the streets and rights-of-way of Mount Gretna Borough 120 days after the issuance of a building permit. An application may be made to the Mount Gretna Borough Council prior to the expiration of 120 days for an extension to be approved at the discretion of Mount Gretna Borough Council."

The Codified Ordinance of Mount Gretna Borough Chapter 137 (Rental Property), Article I (Residential Rental Units) is hereby amended to read as follows:

SECTION FOUR: §137-4 (Residential Rental License) (M) is hereby amended to read as follows:

"M. The owner and/or the person in charge to acknowledge in writing they have read and understood the Rental Property Ordinance contained in Chapter 137 of the Codified Ordinance of Mount Gretna Borough."

SECTION FIVE: §137-4 (Residential Rental License) (D) is hereby amended to add the following language at the end of the Section:

"If all requirements as set forth herein for the issuance of a Rental License are not met within ninety (90) days of the date of the application it shall be deemed denied unless there is a written request to extend the ninety (90) day period by the applicant which is approved at the discretion of Mount Gretna Borough Council prior to the expiration of the ninety (90) days."

SECTION SIX: §137-4. (Residential Retail License Requirements; License Fee) Subparagraph E.4 the first sentence is amended to read as follows:

"(4) Tender the Borough the annual non-refundable license fee intended to cover the Borough's cost for administering this Article.

SECTION SEVEN: §137-4.2 (Short Term Rentals) Subsection A is hereby amended to read as follows:

"A" Short term rental units are permitted as follows:

1. "A maximum of eighteen (18) short-term rental units;
2. Short-term rental units shall be located only on property along Lancaster Avenue and north to Pennsylvania Route 117;
3. No more than one (1) short-term rental unit may be located in a structure;
4. A short-term rental unit may not be located in a structure which also contains one or more other dwelling units."

SECTION EIGHT: §137-4.2. (Short Term Rentals) is hereby amended to add Subsection K:

"K. A wait list for short term rental licenses is hereby created once short term rental licenses issued by Mount Gretna Borough reaches 18 as follows:

1. A proposed applicant submit their names, address, phone numbers, including cell numbers, email address, and address of the proposed short term rental property along with a non-refundable deposit payable to Mount Gretna Borough in the amount of \$100.00. The amount of the non-refundable deposit may be changed by a Resolution adopted by Mount Gretna Borough Council.
2. A wait list application would be perpetual, except as hereinafter set forth, so long as the applicant owns the property for which a short term rental license is requested.
3. Once the short term rental licenses issued by Mount Gretna Borough are less than eighteen, the first applicant on the wait list is eligible to apply for a short term license. Mount Gretna Borough shall notify applicant a short-term rental license is available and is eligible to comply with the Mount Gretna Borough Rental Ordinance. The Notification shall be in writing at the applicant's last known email address on file with the Borough and if there is no email on file with the Borough, at the applicant's last known address on file with the Borough. After the Notification, the applicant shall acknowledge in writing receipt of the same within two (2) weeks of the date of the Notification, and if the applicant does not acknowledge receipt of the Notification, his application shall be placed at the bottom of the wait list.
4. The applicant shall have ninety (90) days from the date of the Notification to comply with all other provisions of the within Rental Ordinance if the applicant has given the two (2) weeks written Notification as set forth herein, Applicant may request an extension of the time period to comply with the Rental Ordinance and any extension shall be at the discretion of Mount Gretna Borough Council.
5. If the applicant fails to apply for a short term rental license or fails to comply with the time limit and provisions for the issuance of such a license, except as set forth in Clause Three above, the proposed applicant would no longer remain on the established wait list, and the application shall be considered void.

6. If the first eligible applicant for a short term rental license from the wait list fails to comply with the requirements as set forth herein, the next applicant on the wait list will be notified of the availability of such a license and shall be given the opportunity to apply for a short term rental license and comply with all of the time requirements as set forth herein. The process of a Notification shall continue as vacancies occur to next applicant on the wait list.

The Codified Ordinance of Mount Gretna Borough, Chapter 181 (Vehicles and Traffic), Article III (Parking Regulations) is hereby amended to read as follows:

SECTION NINE: §181-16 (Parking Prohibited At All Times For Certain Classes of Vehicles) is hereby amended to add Subsection A-3 as follows:

“3. It shall be unlawful for any person to park any unlicensed and/or uninspected motorized vehicle of any type upon any highway or portion thereof within the Borough of Mount Gretna.”

SECTION TEN: Article II (Traffic Regulations) Subsection §181-11 (Certain Classes of Vehicles Prohibited on Certain Highways), Subsections D and E are hereby amended to read as follows:

“D. Any person who shall violate any provision of this Section shall, pay a fine of not less than \$50.00 or more than \$600.00 plus costs provided that nothing herein shall prohibit the operation of any vehicle or tractor set forth in Subsection A and B of this section upon any highway or portion thereof where such operation therein shall be necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located upon any such highway or portion thereof. Each day that a violation of this Article continues shall constitute a separate offense. The violator shall be required to pay all administrative costs, counsel fees, and expenses associated with the Borough's enforcement of this Article.

This provision shall not limit the ability of the Borough to file any appropriate action in law or in equity in the Court of Common Pleas of Lebanon County. The Borough does hereby authorize the Borough Solicitor to proceed with any action before a District Magistrate or in the Court of Common Pleas of Lebanon County.

“E. Nor shall anything herein prevent the operation of a recreational vehicle as set forth and defined in this Section upon any highway or portion thereof where such operation shall be necessary to park said recreational vehicle upon any property owned or leased by the owner of said recreational vehicle the parking of which shall be in a completely enclosed building.”

The Codified Ordinance of Mount Gretna Borough, Chapter 181 (Traffic Regulations):

SECTION ELEVEN: §181-11 (Certain Classes of Vehicles Prohibited on Certain Highways), is hereby amended to add Subsections F and G as follows:

"F. Nothing herein shall prohibit the operation of any vehicle or tractor as set forth in Subsections A and B of this Section upon any highway or portion thereof where such operation thereon shall be necessary in order to pick up or deliver any goods, whares, merchandise, or materials from or to any premises located upon any such highway or portion thereof."

"G. Nothing herein shall preclude or prevent the parking of such vehicles set forth in this Section for loading or unloading purposes the maximum of six (6) hours in any 24 hour period. Temporary construction trailers used during renovations or new construction with a Mount Gretna Borough issued construction permit are permitted. Trade vehicles engaged in home repairs and maintenance are also permitted."

The Codified Ordinance of Mount Gretna Borough, Chapter 181 (Vehicles and Traffic) is hereby amended to add Article V as follows:

SECTION TWELVE: ARTICLE V (Occupancy of vehicles is hereby prohibited) is hereby amended.

Subsection §181-27(A) and (B) are hereby added as follows:

"A. Any overnight occupancy of recreational vehicles, campers, trailers, and tents within Mount Gretna Borough is prohibited."

"B. No structure of a temporary character, trailer, recreational vehicle, motor home, mobile home, tents, garage, or any out building may be used on any property within the Borough of Mount Gretna at any time as a residence either temporarily or permanently."

SECTION THIRTEEN: Violations and Penalties. Subsections §181-28(A) and (B) are hereby added as follows:

A. Any person who shall violate any provision of this Article two or more times within a thirty-day consecutive period shall pay a fine of not less than \$100 nor more than \$200 for the second offense, which fine shall be increased by an additional \$200 nor more than \$300 for each subsequent violation plus any costs associated therewith. Each day that a violation continues after three times within a thirty-day consecutive period shall constitute a separate violation.

The Codified Ordinance of the Mount Gretna Borough, Chapter 176 (Trees) is hereby amended to add Article II (Tree Planting and Tree Removal) as follows:

SECTION FOURTEEN. Article II Tree Planting and Tree Removal, Subsections 176-7, 8 are hereby added as follows:

§176-7 "At the time of the application for a building permit, the property owner shall set forth upon a plot plan the proposed location of any structure to be constructed, trees which will be removed within the footprint of the structure(s), trees to be removed as a result of the construction, and a plan to replant trees with native trees to be approved by Mount Gretna Borough Council in the construction zone after the completion of the building which replanting shall occur within 24 months of the completion of the construction of the proposed structure."

§176-8. Prior to the removal of any trees or shrubs by a property owner, except as otherwise set forth in this Article, the owner shall request the Mount Gretna Borough Office prior to removal of any trees or shrubs to confirm ownership of the property where the tree or shrub is to be removed.

"A. The property owner may provide a property survey to the Borough and in the absence of a survey a determination shall be made by the Director of Public Works in cooperation with the chair of the Grounds and Tree Committee of the Pennsylvania Chautauqua if the trees or shrubs to be removed are on the property owner's private property, or on property of Mount Gretna Borough or the Pennsylvania Chautauqua.

B. When it is unclear whether the tree or shrub to be removed is located on private or public ground, or if the property owner contests the determination of ownership, the property owner shall pay for a survey to obtain a final determination.

C. If a survey determines the Director of Public Works was incorrect, the property owner will be held harmless and will be reimbursed for the survey by the owning entity.

D. When the tree or shrub is located on property line of Mount Gretna Borough or the Pennsylvania Chautauqua and the property owner, the survey cost shall be shared equally between the parties.

§176-9 Violations and Penalties:

1. This Chapter shall be enforced by action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution.

2. Any person, partnership, corporation, or other entity who or which violates or permits a violation of the provision of this Article shall upon conviction in a summary proceeding pay a fine of not less than \$200.00 nor more than \$1,000.00 per violation, plus all court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings. Said Court costs shall include any administrative fees incurred by Mount Gretna Borough in enforcement of this action. Each day, or a portion thereof, that a violation exists or continues shall constitute a separate violation."

3. Non-Exclusive Remedy. The penalty provision set forth herein shall not limit the appropriate officers or agents of the Borough to seek legal or equitable relief in the Court of Common Pleas of Lebanon County, including an injunction to enforce compliance with this Article.

The Codified Ordinance of Mount Gretna Borough, Chapter 162 (Streets and Sidewalks) is hereby amended as follows:

SECTION FIFTEEN: Chapter 162 (Streets and Sidewalks), Article I, §162-2 is hereby amended to add the following second paragraph:

"No wall, hedge or shrub plantings which obstruct sight lines at elevations between two and six feet above the roadway shall be placed or permitted on any corner property within the triangular area formed by the intersection of the street line, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitation shall apply on any property within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees or scheme shrubs shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a significant height to prevent obstructions of such sight lines."

The Codified Ordinance of Mount Gretna Borough, Chapter 118 (Noise) is hereby amended as follows:

SECTION SIXTEEN: §118-2 (Noises in Violation), Subsections (F), (H) and (I) are amended to read as follows:

"F. Construction or Repair of Buildings. The erection, excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, excluding National Holidays, and every Sunday from September 16 through the day before Memorial Day, and 8:00 a.m. until 5:00 p.m. from Monday through Friday from Memorial Day until September 15th, is hereby prohibited except that the Director of Public Works may determine when the loss or inconvenience that would result to the party of interest is

of such a nature as to warrant special consideration, then the Director of Public Works may grant a permit for a period not to exceed ten (10) days or less for the work to be done outside of the restrictive hours as set forth herein.

“H. Power Equipment, Construction Equipment, Similar Equipment. The operation other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, excluding national holidays and every Sunday, from September 16th until the day before Memorial Day, and 8:00 a.m. until 5:00 p.m. from Monday through Friday from Memorial Day until September 15th of any power equipment, construction equipment, or similar equipment, the use of which is attended by unreasonably loud or unusual sounds or noises is prohibited.

I. Power Equipment. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases, fluids, battery operated or electrical operated, is prohibited except during the hours of Monday through Saturday, excluding national holidays, from 7:00 a.m. until 7:00 p.m. from September 16 until the day before Memorial Day, and Monday through Friday, excluding national holidays, from 8:00 a.m. until 5:00 p.m. from Memorial Day until September 15.”

§118-4 (Violations and Penalties), is amended to add a new Subsection C as follows:

“C. Nothing herein shall preclude or prevent the Borough from bringing any action in the Court of Common Pleas of Lebanon County either in law or in equity to enforce the provision of this Article including an injunction to enforce compliance with this Article.”

The Codified Ordinance of Mount Gretna Borough, Chapter 134 (Property Maintenance) is hereby amended:

Chapter 134 (Property Maintenance) is amended as follows:

SECTION SEVENTEEN: “§134-1 (Background) is amended to adopt the 2021 Edition of the International Property Maintenance Code.

SECTION EIGHTEEN: §134-2 (Adoption of International Property Maintenance Code) is hereby amended to read the 2021 Edition.

The Codified Ordinance of Mount Gretna Borough, Chapter 52 (Animals) is hereby amended as follows:

SECTION NINETEEN: The Codified Ordinance of Mount Gretna Borough, Chapter 52 (Animals) is hereby amended to add Article II (Animals) §52, Subsections 9-11 as follows:

“§52-9. No animals, livestock or poultry of any kind except as set forth herein shall be raised, bred, or kept upon any property within the Borough of Mount Gretna.

§52-10. Domesticated dogs, cats, or other household pets may be kept upon property within the Borough of Mount Gretna.

§52-11. “Violations and Penalties.

1. This Chapter shall be enforced by action before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution.

2. Any person, partnership, corporation, or other entity who or which violates or permits a violation of the provision of this Article shall upon conviction in a summary proceeding pay a fine of not less than \$200.00 nor more than \$1,000.00 per violation, plus all court costs and reasonable attorney’s fees incurred by the Borough in the enforcement proceedings. Said Court costs shall include any administrative fees incurred by Mount Gretna Borough in enforcement of this action. Each day, or a portion thereof, that a violation exists or continues shall constitute a separate violation.”

3. Non-Exclusive Remedy. The penalty provision set forth herein shall not limit the appropriate officers or agents of the Borough to seek legal or equitable relief in the Court of Common Pleas of Lebanon County, including an injunction to enforce compliance with this Article.”

SECTION TWENTY: Severability. If any provision of this Ordinance shall be deemed or declared to be void or invalid by law or otherwise, then only that provision shall be stricken from this Article and in all other respects to this Article shall be valid and continuing in full force and effect.

SECTION TWENTY-ONE: This Ordinance shall become effective within five (5) days of enactment.

Adopted this 8th day of April, 2024.

ATTEST:

MOUNT GRETNA BOROUGH

BY: Linda A. Bell
Linda A. Bell, Secretary

BY: W. R. Kleinfelter
William R. Kleinfelter, President

Approved this 8th day of April, 2024.

Joseph F. Shay
Joseph F. Shay
Mayor