

**EARL TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2021-01, 2021**

AN ORDINANCE TO AMEND THE EARL TOWNSHIP ZONING ORDINANCE TO
PROVIDE REGULATIONS GOVERNING SHORT-TERM RENTAL FACILITIES

Background

WHEREAS, Earl Township recognizes that a new housing type of single-family dwellings has emerged as a commercial use; and

WHEREAS, Earl Township wishes to provide a balance between the new commercial use and nearby single-family residential uses; and

WHEREAS, Earl Township recognizes the need to regulate the commercial use of single-family dwellings to protect against adverse community impacts; and

WHEREAS, Earl Township recognizes the need to regulate such short-term rental uses of single-family homes for the protection, health and safety of its residents; and

WHEREAS, Earl Township wishes to allow neighborhoods to maintain their character and allow homeowners and neighborhoods to maintain their quality of life.

NOW, THEREFORE, be it and it is hereby ordained and enacted by the Board of Supervisors of Earl Township, Lancaster County, Pennsylvania, as follows:

Section 1 The Zoning Ordinance of Earl Township enacted November 4, 1996, as amended (the Zoning Ordinance), shall be amended as follows:

a) Article IV, Agricultural District, Section 403, Special Exceptions, shall be amended to add a new Subsection P, which shall provide as follows:

P. Short-Term Rental Facility subject to the requirements of Section 1605.

b) Article V, Rural Residential District, Section 503, Special Exceptions, shall be amended to add a new Subsection L, which shall provide as follows:

L. Short-Term Rental Facility subject to the requirements of Section 1605.

c) Article VI, Residential District, Section 603, Special Exceptions, shall be amended to add a new Subsection G, which shall provide as follows:

G. Short-Term Rental Facility subject to the requirements of Section 1605.

d) Article VII, Commercial District, Section 703, Special Exceptions, shall be amended to add a new Subsection E, which shall provide as follows:

E. Short-Term Rental Facility subject to the requirements of Section 1605.

Section 2 Zoning Ordinance, Article XVI, Land Uses Permitted by Special Exception: Additional Criteria, shall be amended by inserting a new Subsection 1605.CC, which shall provide as follows:

1605.CC SHORT-TERM RENTAL

A Short-Term Rental Facility shall meet all of the following standards:

1. The property shall remain as a single-household living unit with common housekeeping, kitchen and laundry facilities.

2. Occupancy of a Short-Term Rental Facility shall be limited to no more than two (2) persons per bedroom.

3. Types of accommodation:

A. Specific bedroom accommodation - The Owner may rent bedrooms of a property to Transient Visitors for a period of not less than thirty-six (36) hours and not more than thirty (30) consecutive days. Under this arrangement, the Owner must occupy the property during the rental period in the Agricultural District, the Rural Residential District and the Residential district but is not required in the Commercial district.

B. Entire unit accommodation - An Owner may rent the entirety of a property to Transient Visitors for a period of not less than thirty-six (36) hours and not more than seven (7) consecutive days. This type of rental arrangement is permitted only in the Commercial district.

4. Parking:

A. Outdoor parking for Occupants shall be limited to available parking areas on the Short-Term Rental Facility property. In no event shall parking for Short-Term Rental Occupants include spaces in any public street right-of-way or on any lawns or vegetated areas. A maximum of one car per bedroom is permitted for any Short-Term Rental Facility.

B. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental Facility is located shall not be allowed. Outdoor overnight sleeping of Occupants is prohibited.

5. The Owner must maintain an up-to-date ledger detailing the length of stay and the number of Transient Visitors using the Short-Term Rental Facility and present the ledger to the Zoning Officer, or the Zoning Officer's designee, upon request.

6. Nothing in this Subsection shall allow the Owner to make the Short-Term Rental Facility available for use by Transient Visitors for non-residential purposes, such as, but not limited to, the lease or use of the property as a reception space, party space, and/or a meeting space.

7. The Short-Term Rental Facility shall be designated as one of the two types of accommodations set forth in Subsection 3. A Short-Term Rental Facility may not change or mix the type of accommodation during the rental period.

8. If not served by a public sewer system, the applicant must provide evidence that the sewer system is adequate to serve the maximum number of Occupants of the Short-Term Rental Facility. The number of bedrooms permitted for a Short-Term Rental Facility 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 Facility 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. The Short-Term Rental Facility advertising more than four (4) 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 the Sewage Enforcement Officer. If a sewage system malfunction occurs, the Short-Term Rental Facility dwelling unit shall be discontinued until the malfunction is corrected in accordance with the Township and the Pennsylvania Department of Environmental Protection requirements.

9. The Short-Term Rental Facility shall not adversely affect the character of the neighborhood, and the Short-Term Rental Facility shall not generate any additional noise, odor or other effects that unreasonably interfere with other residents quiet enjoyment of their properties.

10. The Owner of the property is responsible for the safety and welfare of all Transient Visitors, for preserving the peace and quiet of the surrounding community, and for maintaining the Short-Term Rental Facility in accordance with all laws, regulations, and ordinances, including, but not limited to, any conduct which would qualify as a prohibited act within the meaning of the Township Code of Ordinances regulating noise and/or nuisances.

11. The Owner of the Short-Term Rental Facility shall provide the Zoning Officer with confirmation that the applicant has taken all actions 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.

12. The Owner shall sign a certification agreeing to comply with all anti-discrimination laws and regulations under all applicable local, state and Federal laws and regulations.

13. All Short-Term Rental Facilities 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 Owner of the unit, or a designated agent as person in charge, must provide a telephone number at which that party can be reached on a 24-hour basis. The owner, or designated agent, must reside within 15 minutes travel time of the rental property.

B. The 911 address of the property.

C. The maximum number of Occupants permitted to stay in the dwelling.

D. The maximum number of all vehicles allowed to be on the property and the requirement that all guests 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.

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

F. Notification that the Owner and/or Occupant will be cited and fined for creating a disturbance or for violating other provisions of the Earl Township Code, including parking and occupancy limits.

G. Notification that Short-Term Rental Occupants are required to make the dwelling unit available for inspection by the Zoning Officer or Property Maintenance Official upon request.

H. The Owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbance, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise or disorderly conduct, promptly use their best efforts to prevent a recurrence of such conduct by occupants or guests.

14. All Short-Term Rental Facilities shall 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. GFI outlets for all outlets located within six (6) feet of water sources;
 - E. Aluminum or metal exhaust vent from dryer;
 - F. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
 - G. Carbon monoxide detector if garage is attached;
 - H. Fire extinguisher in kitchen conspicuously located;
 - I. Stairs (indoor and outdoor) in good condition;
 - J. 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 Facility;
 - K. Fully functioning bathing and toilet facilities;
 - L. Fully functioning kitchen (if one has been installed);
 - M. There shall be no overnight guests other than the individuals renting the Facility;

N. The owner's discretion shall determine whether pets shall be allowed. Service animals as defined by the Americans with Disabilities Act shall be permitted;

O. If the owner makes any structural modifications to the property in order to operate a Short-Term Rental the owner shall comply with the Pennsylvania Uniform Construction Code and all other local, state and federal building and occupancy requirements. All necessary construction permits shall be obtained from the Township. All owners shall state in their short-term rental advertisements that the property is compliant with the Americans with Disabilities Act.

P. The property shall be cleaned and made deficiency-free following each occupancy;

Q. Following each occupancy, the property shall be inspected by the property Owner or its agent before the property is re-occupied and must be deficiency-free before being re-occupied.

b) Before authorizing Short-Term Rental approval, the Owner must submit an application for a permit to authorize the 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 provide sufficient information 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 applicable Township Ordinances, ADA requirements and other applicable state and federal regulations including safety and construction codes. 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 the Zoning Ordinance.

Each Short-Term Rental Permit must identify the property address, state how many Transient Visitors are permitted for the Short-Term Rental, identify the type of accommodation requested (either Specific Bedroom Accommodation or Entire Unit Accommodation), and require the Owner to submit proof of the following:

(1) An accurately drawn floor plan showing details for all floors of the property and any attached structures, and include the number and location of all bedrooms, bathrooms, windows, interior and exterior doorways, smoke alarms, and carbon monoxide detectors;

(2) In the case of a Short-Term Rental where the Owner rents a Specific Bedroom Accommodation, the floor plan must clearly designate bedrooms to be used for Short-Term Rental; and

(3) Satisfaction of the Performance Standards contained in Section 1605(a) of this Chapter.

The Zoning Officer, or the Zoning Officer's designee, shall conduct an annual inspection to confirm compliance with the obligations of this Chapter. The Owner of the Short-Term Rental Facility is responsible for scheduling the inspection and paying the fee. Failure to do so will result in revocation of the Short-Term Rental Permit.

c) Enforcement. The Zoning Officer, or the Zoning Officer's designee, is empowered to take administrative enforcement action against an Owner as set forth in this section upon finding a violation of any provision of this section. Nothing in this section shall limit the right, power or jurisdiction of the Township to proceed against the Owner or any Transient Visitor under any other law or regulation.

Disciplinary Actions. The following constitute the enforcement actions available to the Zoning Officer, or the Zoning Officer's designee, in his or her discretion, under this section:

(1) Formal warning - Formal written notification may be issued in the event of at least one violation of this section. Upon satisfactory remediation of such violation(s) and any conditions imposed by the Zoning Officer, or the Zoning Officer's designee, the formal warning shall be removed when the Owner applies for a renewal of the Short-Term Rental Permit.

(2) Suspension - A Short-Term Rental Permit may be suspended in the event of at least one violation of this section. Suspension results in the immediate loss of the privilege to rent the Short-Term Rental Facility for the period of time set by the Zoning Officer, or the Zoning Officer's designee, not to exceed one year from the date of suspension. The Owner, after the expiration of the suspension period, may apply for a Short-Term Rental Permit renewal. A determination of whether to renew the Short-Term Rental Permit shall depend on the satisfactory remediation of the violation(s) that resulted in the suspension, as well as compliance with all other requirements set forth in this section. Upon suspension, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short-Term Rental Facility through the end of the suspension period and until such time as the Short-Term Rental Permit has been reinstated.

(3) Revocation - A Short-Term Rental Permit may be revoked in the event of at least one violation of this section. Revocation results in the immediate loss of the privilege to rent the Short-Term Rental Facility for any period of time in excess of one year or for a second or subsequent suspension of the Short-Term Rental Permit for the same property, as may be determined by the Zoning Officer, or the Zoning Officer's designee. Upon revocation, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short-Term Rental Facility through the end of the revocation period and until such time as the Short-Term Rental Permit has been reinstated.

(4) Reinstatement - A Short-Term Rental Permit may be reinstated from suspension or revocation if the Owner of a Short-Term Rental Facility satisfactorily remediates all violation(s) that led to the suspension or revocation of the Short-Term Rental Permit, pays for a new permit fee, and demonstrates compliance with all other requirements set forth in this section.

(5) Non-Renewal - The Zoning Officer, or the Zoning Officer's designee, may deny an application for Short-Term Rental Permit renewal and/or reinstatement due to the failure of the Owner to comply with the requirements of this section or for a failure to satisfactorily remediate any previously noted violation(s) leading to the suspension and/or revocation of the Short-Term Rental Permit.

Criteria for Taking Disciplinary Action. The Zoning Officer, or the Zoning Officer's designee, when taking disciplinary action against an Owner, shall consider the following factors:

- (1) the effect of the violation(s) on the health, safety and welfare of the Transient Visitors and/or any other residents of the property;
- (2) the effect of the violation(s) on nearby property owners;
- (3) the history of any prior violation(s) of this section and any other provision of the Earl Township Code of Ordinances; and
- (4) the actions taken by the Owner to satisfactorily remediate any past or current violation(s) and to prevent future violation(s).

Reasonable Conditions. In addition to the disciplinary actions set forth above, the Zoning Officer, or the Zoning Officer's designee, may impose any reasonable conditions related to fulfilling the purposes of this section and remediating any violations of this section.

Search Warrant. Upon a showing of probable cause that a violation of this section, or any other violation of the Earl Township Code of Ordinances, has occurred, the Zoning Officer, or the Zoning Officer's designee, may apply to the Magisterial District Judge having jurisdiction in the Township for a search warrant to enter and inspect the Short-Term Rental Facility.

Form of Notification. Following a determination by the Zoning Officer, or the Zoning Officer's designee, that grounds for a formal warning, non-renewal, suspension or revocation of a Short-Term Rental Permit exist, written notification shall be made, addressed to the Owner, containing the following information:

- (1) the address and Owner of the involved Short-Term Rental Facility;
- (2) a description of the violation(s) found to exist therein;
- (3) if applicable, a statement that the Short-Term Rental Permit has been suspended or revoked, along with the effective date of such suspension or revocation, and the length of the suspension and/or revocation; and
- (4) in the event of a suspension or revocation, a statement that the Owner is prohibited from allowing the use of the Short-Term Rental Facility by Transient Visitors during the suspension or revocation period.

Section 3 Zoning Ordinance, Article II, Definitions, '202, Terms, shall be amended by inserting or revising the following terms:

Owner - the individual, entity, or entities, holding legal title to a particular property.

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. Spaces 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 room is not to be considered a bedroom.

Occupant - a person staying at the Short-Term Rental Facility overnight. A person located on the Short-Term Rental Facility premises shall be deemed an Occupant unless established otherwise by the Owner, person in charge or tenant.

Rent or Rental - an arrangement whereby one or more persons obtains permission to occupy a property or portion thereof for a specific period of time, regardless of whether compensation or other consideration is passed by a Transient Visitor to the Owner or an agent of the Owner.

Short-Term Rental Facility - a property or portion thereof used pursuant to this Chapter for the purpose of short-term rentals including, but not limited to, Airbnb and VRBO. Short-Term Rental Facilities do not include a hotel or a bed and breakfast as such terms are used and defined in the Earl Township Zoning Ordinance.

Transient Visitor - an individual who rents a Short-Term Rental Facility.

Section 4 All other ordinances, sections, parts and provisions of ordinances of Earl Township shall remain in full force and effect as previously enacted and amended.

Section 5 In the event any provision, section, sentence, clause or a 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 the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 6 This Ordinance shall take effect and be enforced five (5) days after its enactment by the Board of Supervisors of Earl Township, as provided by law.

DULY ORDAINED AND ENACTED this 7th day of June, 2021, by the Board of Supervisors of Earl Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF EARL
LANCASTER COUNTY, PENNSYLVANIA

By: [Signature]

By: [Signature]

By: [Signature]

Attest:

[Signature]
Secretary