

PARADISE TOWNSHIP

MONROE COUNTY

COMMONWEALTH OF PENNSYLVANIA

**AN ORDINANCE OF THE TOWNSHIP OF PARADISE, MONROE COUNTY,
PENNSYLVANIA, ADOPTING CHAPTER 114 OF THE PARADISE TOWNSHIP CODE
OF ORDINANCES TO REGULATE SHORT-TERM RENTALS.**

ORDINANCE NO. 240

**BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF
THE TOWNSHIP OF PARADISE, MONROE COUNTY, PENNSYLVANIA, THAT
CHAPTER 114 WILL BE ADDED TO THE PARADISE TOWNSHIP CODE OF
ORDINANCES AS FOLLOWS:**

WHEREAS, Short-Term Rentals of dwellings have become a significant segment of the local tourism economy, and

WHEREAS, Short-Term Rentals of dwellings provide a community benefit by expanding the number and type of lodging facilities available and assist owners of single-family homes by providing revenue which may be used for maintenance, upgrades and deferred costs; and

WHEREAS, while the majority of these Short-Term Rentals operate without a problem, there have been numerous complaints to the Township regarding excessive noise, parking, litter, and concerns regarding septic capabilities, security, public safety, and trespass; and

WHEREAS, the transitory nature of occupants of Short-Term Rentals makes enforcement against the occupants difficult; and

WHEREAS, the provisions of this Ordinance are necessary to prevent the continued burden on Township and community services and impacts on residential neighborhoods posed by Short-Term Rentals; and

WHEREAS, the provisions of this Ordinance are necessary to provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Paradise Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted pursuant to the above authority, as follows: the following:

SECTION I. Preamble.

The preamble of this Ordinance is incorporated herein by reference and approved as part hereof.

SECTION II. Short Title.

This Ordinance shall be known as “The Short-Term Rental Ordinance of Paradise Township”.

SECTION III. Establishment of Chapter.

A new Chapter 114, entitled: “SHORT-TERM RENTALS” is hereby created and added to the Code of Ordinances of Paradise Township, to provide as follows:

CHAPTER 114

SHORT-TERM RENTALS

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Authority, Scope and Title

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HISTORY: Adopted by the Board of Supervisors of the Township of Paradise March 6, 2017 as Chapter 114 of the Paradise Township Code of Ordinances by Ordinance No. 240; revised 01/07/2019 by Ord. No. 255.

GENERAL REFERENCES

Animals – see Chapter 40

Burning, Outdoor – see Chapter 50

Littering – see Chapter 74

Property Maintenance – see Chapter 102

Sewage disposal – see Chapter 110

Solid waste – see Chapter 119

Streets and sidewalks – see Chapter 127

Vehicles, storage – see Chapter 146

Zoning – see Chapter 160

ARTICLE I

Authority, Jurisdiction and Title

§ 114-1. Title.

This Chapter shall be known and may be cited as “The Short-Term Rental Ordinance of Paradise Township.”

§ 114-2. Authority.

The Township Supervisors, under the authority granted by Section 1506 – General Powers, Section 1517 – Building and Housing Regulations, Section 1527 – Public Safety, and Section 1529 – Nuisances, of the Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 (P.L. 103, No. 69), reenacted and amended July 10, 1947 (P.L. 1481, No. 567), as amended, hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of the municipality.

§ 114-3. Scope.

The provisions of this Chapter shall apply to all residential dwelling units, conversions of nonresidential structures to residential dwellings, and all existing premises within the Township of Paradise. 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.

ARTICLE II

Definitions

§ 114-4. Definitions.

Words and phrases used in this Ordinance shall have the meanings found in Chapter One of the Paradise Township Code of Ordinances.

ARTICLE III

License Requirements and Standards

§ 114-5. License Required.

No owner of any property in Paradise Township shall operate a Short-Term Rental in Paradise Township without first obtaining a Short-Term Rental License from the Zoning Officer. Operation of a Short-Term Rental without such Short-Term Rental License is a violation of this Chapter.

§ 114-6 License requirements.

- A. Application requirements. Short-Term Rental License 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 that managing agency, agent or local contact person shall have written authorization to accept service for the owner.
 2. The name, address, and 24-hour telephone number of the managing agency, agent or local contact person.
 3. Floor plans for the Short-Term Rental, including total habitable floor space and total number of bedrooms.
 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 site plan showing the location and number of on-site parking spaces. If not on a central sewer system, the location, approximate age and capacity of the sewage disposal system.
 6. Copies of current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
 7. Signatures of both the owner and the local managing agent or local contact person.
 8. Trespass Waiver signed by the owner allowing access to the property for the Zoning Officer and the Building Code Official for the purpose of inspection to verify compliance with this Ordinance.
 9. Copy of the current recorded Deed for the Property establishing ownership.
- B. A Short-Term Rental License shall be issued only to the owner of the Short-Term Rental property.
1. A separate Short-Term Rental License is required for each Dwelling Unit; for Two-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 changed, whichever shall first occur. A Short-Term Rental License must be renewed annually, and also when any of the conditions of the Short-Term Rental which are governed by this Chapter are changed.
3. The owner, 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 Section 114-10, below.
4. The Township will prescribe forms and procedures for the processing of License applications under this Ordinance.

§ 114-7. Short-Term Rental standards.

- A. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons per dwelling unit.
- B. The maximum number of day guests allowed at any one (1) time, in addition to the overnight occupants, shall be seventy-five percent (75%) of the maximum overnight occupancy of the Short-Term Rental.
- 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 Township 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. 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 and shall count as part of the maximum lot coverage limits in Schedule III.

- 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.
- 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 Paradise 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.
- 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 Paradise Township Code of 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.
- 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.
- I. 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 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 (1) time.
 - 4. 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.

5. 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 cans from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up.
 6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Paradise Township Code of Ordinances, 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 Zoning Officer upon request.
- J. All Short-Term Rentals shall be equipped with the following which are in compliance with Chapter 44 (Building Code) of the Paradise Township Code of Ordinances:
1. Interconnected smoke detectors with battery backup in each bedroom;
 2. Interconnected smoke detectors with battery backup outside each bedroom in common hallways;
 3. Interconnected smoke detectors with battery backup on each floor;
 4. Arc fault circuit breakers;
 5. GFI outlets for outlets located within six (6) feet of water source, unfinished basements and garages;
 6. Aluminum or metal exhaust from dryer;
 7. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
 8. Carbon monoxide detector if garage is attached;
 9. Fire extinguisher in kitchen;
 10. Stairs (indoor and outdoor) and handrails in good condition in compliance with 2009 International Residential Code; and
 11. Emergency egress windows in compliance with 2009 International Residential Code;

12. Fire separation between attached garages and dwelling units.

§ 114-8. Fees, term and renewal.

- A. 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.

- B. Any Short-Term Rental License is good for a period not to exceed one (1) year from the date of issuance and must be renewed annually. 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.
 - 1. Short-Term Rental License renewal shall require inspections outlined in Section 114-10, below.
 - 2. Short-Term Rental License renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.

ARTICLE IV
Enforcement Officer and Inspections

§ 114-9. Enforcement officer.

- A. The Paradise Township Zoning Officer and the Paradise Township Building Code Official shall conduct inspections, make reports and administer this Chapter, and to issue notices of violation.

- B. The Zoning Officer and/or the Building Code Official, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

§ 114-10. Inspections required.

- A. All Short-Term Rentals shall be subject to inspection by the Zoning Officer and the Building Code Official to verify application information, License, License renewal and/or operating requirements.

- B. The issuance of a Short-Term Rental License or inspection is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Chapter of the Code of Ordinances. Rather, the license indicates that the premises are either set to be inspected on a routine basis or, if inspected, the premises met this Chapter of the Code of Ordinance requirements on the day and at the time of the inspection.
- C. If there is reason to believe that any provision of this Chapter is being violated, the Board of Supervisors may or may cause, through an authorized representative of the Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township 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.

§ 114-11. 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.

ARTICLE V

Violations, Penalties and Costs

§ 114-12. 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 which constitute the violation, cite the specific sections of this Chapter which 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

§ 114-13. Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Township 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.

§ 114-14. 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 by Paradise Township 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 Paradise Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Chapter. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Chapter shall be paid to Paradise Township for its general use.

- B. In addition to, but not in limitation of, the provisions of Section 114-13, the Zoning Officer may either revoke, or deny an application to renew, a Short-Term Rental License 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 License 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.

§ 114-15. 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.

§ 114-16. Appeals.

- A. Appeals of any findings or Notices from the Building Code Official shall be processed in accordance with Chapter 44 (Building Code).

- B. Appeals of a determination of the Zoning Officer under this Chapter to deny any application for, or to renew, a Short-Term Rental License, or to revoke a Short-Term Rental License, shall be filed with the Board of Supervisors at the Township's business office within thirty (30) days of the date of the determination appealed from. Appeals shall be processed as follows:
 - (1) All appeals shall be in writing and signed by the Appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be

established by the Township Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.¹

- (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.

C. Hearings. The Board of Supervisors 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 and written notice shall be given to the Appellant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the hearing.
- (2) The hearing shall be held within 60 days from the date of the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
- (3) The hearings shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings. shall be in writing by the Board of Supervisors 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 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 the 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 Board of Supervisors 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 Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other

¹Editor's Note: The current Fee Schedule is on file in the township offices.

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 Board of Supervisors 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 an opportunity to be present.

ARTICLE VI
Miscellaneous Provisions

§ 114-17. 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 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.

§ 114-18. Repealer.

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

§ 114-19. Effective date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an ordinance at the regular meeting of the Paradise Township Board of Supervisors, Monroe County, this ____ day of _____ 2016.

PARADISE TOWNSHIP

(Township Seal)

Gary Konrath, Chair

Reda Briglia, Supervisor

Reda Briglia/Secretary

Peter Gonze, Supervisor