PEQUEA TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 219-2023

AN ORDINANCE AMENDING SECTION 503 OF THE PEQUEA TOWNSHIP ZONING ORDINANCE REGARDING THE OPERATION OF SHORT-TERM RENTALS WITHIN THE TOWNSHIP, AND AMENDING SECTION 1502 OF THE TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR SPECIFIC CRITERIA GOVERNING THE OPERATION OF OPERATION OF SHORT-TERM RENTALS.

WHEREAS, the Township of Pequea is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Second-Class Township Code, and;

WHEREAS, the Legislature of the Commonwealth vests the Township of Pequea with the power and authority to make and adopt all such ordinances, bylaws, rules, and regulations not inconsistent with the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and all laws of this Commonwealth; and

WHEREAS, the Township of Pequea desires to amend its zoning ordinance to provide regulations for the operation of short-term rentals within the Township; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Pequea, County of Lancaster, Commonwealth of Pennsylvania, as follows:

SECTION 1.) Article 2, Section 202 of the Pequea Township Zoning Ordinance, adopted July 15, 2015 (#186-2015), amended April 20, 2016 (#194-2016) and November 15, 2017 (#207-2017), shall be amended to include the following definitions:

BED AND BREAKFAST – A short-term rental conducted as an accessory use to an owner-occupied single family detached dwelling where between one and six rooms are rented for occupancy which does not meet the definition of residential occupancy.

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 structure in a manner which does not meet the definition of a residential occupancy.

SECTION 2.) Article 5, Section 503 of the Pequea Township Zoning Ordinance, adopted July 15, 2015 (#186-2015), amended April 20, 2016 (#194-2016) and November 15, 2017 (#207-2017), shall be amended to include the following:

8.) Short-Term Rentals, subject to the specific criteria of Section 1502.51 of the Zoning Ordinance.

SECTION 3.) Article 15, Section 1502 of the Pequea Township Zoning Ordinance is hereby amended to include the following regulations for Short-Term Rentals, as follows:

51. SHORT-TERM RENTALS

A. Short-term rentals shall meet all the following requirements:

B. No more than one short-term rental unit may be located on a lot. A bed and breakfast shall be considered one short-term rental unit even if individual rooms in the bed and breakfast are rented to different guests. A short-term rental which is not a bed and breakfast shall be rented as a single unit. Multiple short-term rental units shall not be permitted in a single structure.

C. The owner of the short-term rental unit shall be the title owner of the lot which contains the short-term rental unit. The owner of the short-term rental unit shall either reside upon the lot which contains the short-term rental unit or reside on a contiguous lot of which he/she is the title owner.

D. The short-term rental unit shall be located within a principal or accessory structure that legally existed on the effective date of this Ordinance. No addition to a structure exiting on the effective date of this Ordinance shall be permitted to create the short-term rental unit. Any alteration to a structure that existed on the effective date of this ordinance, for the purpose of establishing a short-term rental unit shall be limited to items set forth in this Section 1502.51 or to alterations to address accessibility, fire and life safety, or UCC requirements. No modifications to the external appearance of the structure (except fire escapes) which would alter its residential character shall be permitted.

E. Short-term rental units connected to on-lot sewage disposal systems shall be subject to review and approval by the Pequea Township Sewage Enforcement Officer.

F. 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 an 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 if the short-term rental is not a bed and breakfast bedroom.

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.

G. The applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and continuously posted in the short-term rental unit which shall contain all of the following information:

1. The name of the owner of the short-term rental unit and a telephone number at which that party or a contact person designated in accordance with Paragraph G.8 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. No more than two (2) persons per bedroom plus two (2) additional persons shall be permitted in the short-term rental unit.

4. The maximum number of vehicles allowed to be parked on the lot and the requirement that parking is not permitted in any public road right-of-way.

5. Notification that trash and refuse shall not be left or stored on the exterior of the structure except in secure, watertight metal or plastic cans designed for such storage with a limit of three (3) containers.

6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.

7. Notification that the occupants complete a manifest identifying the occupants.

8. Identification of the local contact person and an alternate local contact person who each shall have access and authority to assume management of the short-term rental unit and take remedial measures, together with a telephone number for each. The local contact person and alternate contact person shall be located within 15 miles of the short-term rental unit. An owner may designate himself/herself as the local contact person. If the special exception is approved, the local contact person or alternate local contact person shall respond to the Township or to a police officer within one (1) hour after being notified by such official of the existence of a violation of this Ordinance 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 violation. The owner may change the local contact person or alternate local contact person only after written notice to the Zoning Officer providing the name, address and

telephone number of the new local contact person or alternate local contact person, and any new local contact person or alternate local contact person shall meet all requirements of this subsection.

H. 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.

I. A short-term rental unit may be rented only to a person 21 years of age or older.

J. 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 Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.

K. The owner shall, upon notification that the occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of the Township Ordinances or state law pertaining to noise or disorderly conduct or littering, promptly use his/her best effort to prevent recurrence of such conduct by those occupants or guests.

L. The owner of the short-term rental unit shall pay a fee to defray the cost of response by the Zoning Officer if the Zoning Officer has to respond to a complaint that the occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise or disorderly conduct or littering and determines that the activity alleged in the complaint occurred at the short-term rental unit. The Zoning Officer shall forward a report of the Zoning Officer's investigation to the owner of the short-term rental unit and the Board of Supervisors. Such report shall also include the time the Zoning Officer was required to devote to the complaint.

The Township shall bill the owner of the short-term rental unit for the time incurred in accordance with the then-current hourly rate for services of the Zoning Office. Notwithstanding the foregoing, a response by police or emergency services which falls within the protection of Act 200 of 2014 shall not be considered a complaint for which an owner is subject to a fee.

M. The short-term rental unit shall be inspected by the Zoning Officer prior to the issuance of a permit to verify compliance with the requirements of this Ordinance. The short-term rental unit shall be inspected every three (3) years commencing on the date of the initial short-term rental permit prior to the yearly permit issuance.

N. 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 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 and alternate local contact person, confirm that all short-term rental units meet the life and safety requirements of this Section as verified per the required inspection schedule, confirm the required notice posting, confirm that any fees billed under Paragraph L have been paid and confirm that the short-term rental unit meets all other applicable Township 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. The failure to obtain a permit within 60 days of the expiration date of such permit shall require the owner to reapply to the Zoning Hearing Board to obtain special exception approval for the continued operation of a short-term rental unit. The operation of the short-term rental unit without the required annual permit is a violation of this Ordinance.

SECTION 4.) Article 5, Section 502.4 of the Pequea Township Zoning Ordinance shall be amended to read as follows: Bed and breakfasts, subject to the specific criteria of Section 1502.1 of this Ordinance and the regulations outlined in Article 15, Section 1502.51."

SECTION 5.) In accordance with Section 1601 of the Pennsylvania Second-Class Township Code, this Ordinance shall become effective five (5) days following adoption by the Board of Supervisors.

SECTION 6.) In the event that any provision, section, sentence clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Pequea Township that such remainder shall be and shall remain in full force and effect.

SECTION 7.) All other provisions of the Pequea Township Zoning Ordinance or any other ordinance enacted by the Pequea Township Board of Supervisors not amended herein shall remain in full force and effect.

Duly adopted this ___16th____ day of ____August_____, 2023, by the Pequea Township Board of Supervisors.

ATTEST: **BOARD OF SUPERVISORS**

Kimberly S. Ulaky
Secretary

Harry D. Lehman
Chairman

Township Seal