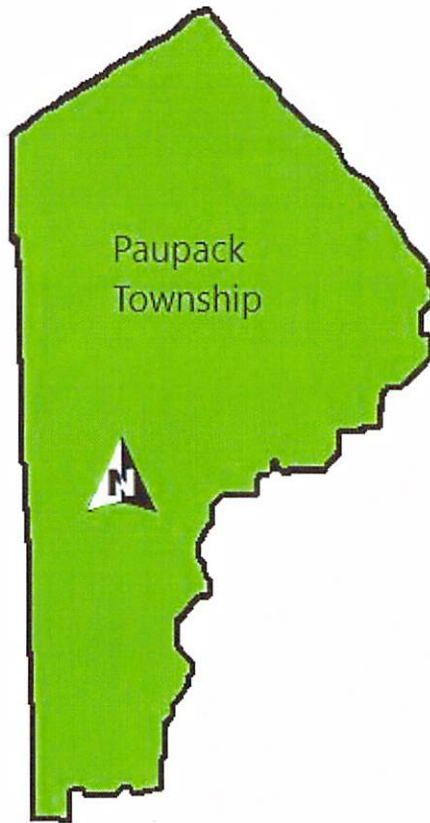


Paupack Township

Wayne County, Pennsylvania



Short Term Rental Ordinance

Paupack Township Ordinance Number 2023-61

Adopted 8/10/2023

Amended 7/25/2024 (2024-61.1)

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Amendments

2024-61.1: Enacted July 25, 2024. The addition of two (2) definitions and replacement of section §61-23 Complaints, Violations and Remedies. This amendment adds *Violation, Active* and *Violation, Passive* to §61-7 Definitions and revises §61-23 Complaints, Violations and Remedies (renamed Violations, Complaints, and Remedies) to include language that differentiates between different types of violations (active and passive) and how the Township addresses each.

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ARTICLE I General Provisions

§61-1 Title and Short Title

An Ordinance establishing regulations, standards, and restrictions for the use of residential structures and premises as Short Term Rentals in Paupack Township, Wayne County, Pennsylvania. This Ordinance shall be known as and may be cited as the Paupack Township Short Term Rental Ordinance, or STR Ordinance.

§61-2 Purpose

This Ordinance is created for the purpose of promoting and protecting the public health, safety, and welfare of Paupack Township residents and visitors insofar as they are affected by the short-term residential occupancy of structures and premises on a rental basis. The Paupack Township Board of Supervisors finds as follows in this regard:

- A. Short-term rentals of homes have become a significant segment of the local tourism economy.
- B. STRs provide a community benefit by expanding the number and type of lodging facilities available and assist owners of dwellings by providing revenue that may be used for but not limited to maintenance, upgrades, and deferred costs.
- C. While the majority of these units operate without issues, there have been numerous complaints to the Township regarding excessive noise, parking, litter as well as concerns regarding septic capabilities, security, public safety, and trespass.
- D. The transitory nature of individual occupants of STR renders enforcement difficult. The provisions of this ordinance are, therefore, necessary to alleviate any burden on Township and community services as well as nuisance impacts on residential neighborhoods.
- E. Despite the fact that some communities have chosen to prohibit STRs as commercial entities, Paupack Township has considered the residential aspect together with the commercial aspect with the intention of ensuring their compatibility with the adjoining communities. The Township allows other low impact uses, such as home occupations, and considers it a conflict to allow such uses and prohibit STRs. The Township recognizes that organized communities can impose stricter regulations and prohibitions upon their residents. The Township does not enforce restrictive covenants and organized communities do not enforce Township ordinances.
- F. This STR Ordinance does not invalidate or limit the remedies, rights, and restrictions of any organized community or HOA in the regulation of its community when their covenants, rules, regulation, deed restrictions, and/or by-laws provide greater or equal protection. When a covenant, rule, regulation, deed restriction, or bylaw implemented by an organized community or HOA is more restrictive than a standard and/or condition set forth in this Ordinance, the covenant, rule, regulation, deed restriction, or bylaw shall prevail and the organized community or HOA is the entity burdened with enforcement. When a standard or condition set forth in this ordinance is more restrictive than a covenant, rule, regulation, deed restriction, or bylaw implemented by an organized community or HOA, the standard or condition set forth in this Ordinance shall prevail and the Township is burdened with enforcement.

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§61-3 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Township.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Township, in favor of the property owner and against any implied extension of the restriction.

The interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

§61-4 Standards and Criteria for Short Term Rental Applications

The applicant shall comply with any laws and ordinances not outlined in this Ordinance. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from Protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety, and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

§61-5 Responsibility

Responsibility for compliance with this ordinance shall fall to the person or entity as evidenced by the deed. This Ordinance 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. In addition, the Township may also proceed before the Magisterial District Judge and recover a civil penalty against the defendant for an amount ranging from \$300 to \$1000 per violation, per day of said violation.

- A. **Single Owner:** The owner of the STR property shall be subject to prosecution for any violations of this ordinance.
- B. **Multiple Owners:** In the event the STR property is owned by more than one owner as evidenced by the deed, each and every owner designated in the deed is subject to prosecution for any violations of this Ordinance.
- C. **Incorporated/LLC/Partnerships (Entity):** In the event the STR property is owned by an entity, as evidenced by the deed, said entity shall list a legally authorized individual who shall represent said entity during any legal proceedings and have the legal authority to bind the entity to the terms of this ordinance.

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- D. Subletting:** In the event a property is rented for a term of more than thirty (30) days, and the entity renting the property rents it out for a period of less than thirty (30) days as defined herein as a STR, the owner of the property as evidenced by the deed shall be approved by the Township to operate a STR as indicated in this Ordinance. Failure to obtain approval by the Township is considered a violation of this Ordinance and shall result in both parties being held legally responsible. The Township reserves the right to proceed before the Magisterial District Judge and recover a civil penalty against the defendant for an amount ranging from \$300 to \$1000 per violation, per day of said violation.

NOTE: Hold Harmless. To the fullest extent permitted by law, the STR Owner(s) agrees to indemnify, defend and hold the Township and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney's fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which 1) are caused in whole or in part by any action or omission, negligent or otherwise, of the STR Owner(s), its employees, agents or volunteers or STR Owner's subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with the STR of the subject property; or 3) are based upon the STR Owner's or its subcontractors' use of, presence upon or proximity to the property of the Township.

§61-6 (Reserved)

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ARTICLE II Definitions

§61-7 Definitions

A. Rules of Construction and Definitions

The following rules of construction shall apply to this Ordinance:

1. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in §61-7.B, except where there is indicated in context a different meaning.
2. The particular shall control the general.
3. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
4. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase *used for* includes *arranged for*, *designed for*, *intended for*, and/or *occupied for*.
6. When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

B. **Definitions:** For the purpose of this Ordinance, the following words, terms, and phrases shall have the meaning herein indicated:

Approved: Officially permitted by the STR Compliance Officer, Zoning Officer, Code Enforcement Officer, or other designated Township representative.

Bathroom: a room containing a toilet and sink and typically also a bathtub or shower. Any room designed with the intent of providing cleaning facilities for bathing or showering.

Bedroom: Any room that is eighty (80) square feet or more, where the primary use is for sleeping. Rooms that shall not be included as being primarily used for sleeping include:

1. Living Room
2. Kitchen
3. Dining Room
4. Bathroom
5. Hallway
6. And any other room in a dwelling not primarily designed for sleeping.

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By-Laws: A written rule by which a corporation, association, or similar entity that governs internal control of its members. The term By-Laws shall include By-Laws, restrictive covenants, and/or rules, and regulations, as well as any other similar terms created to describe the same purpose.

Community Association: A nongovernmental association of homeowners that has the authority to enforce the by-laws, restrictive covenants, rules, and regulations for a defined community. Community Association shall include HOA, POA, and other similar organizations created for the same purpose.

Community Disturbance: The creation of any unreasonable noise, smell, unsafe environment, trespass, or engaging in disorderly conduct or violating provisions of this Ordinance or any state law pertaining to noise or disorderly conduct.

Compliance Officer: The official who is charged with the administrative enforcement of this Code, or any duly authorized representative established by the Board of Supervisors.

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to a dwelling unit.

Dwelling, Single-Family: A *dwelling unit* accommodating a single family and having two (2) side yards.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit, Seasonal: Any dwelling unit which may lack a frost-free foundation, frost-free water supply system, or frost-free septic waste pipes leading from the dwelling, and for that reason can only be occupied on a seasonal basis.

Habitable Space: Area in a structure capable of providing space for living, sleeping, eating, or cooking, and bathroom facilities. Any space less than fifty (50) square feet, including closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Let for Occupancy or Let: To permit, provide or offer possession or occupancy for a consideration, of a dwelling, dwelling unit, building, premise or structure, or portion of a premise or structure, by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license or pursuant to a recorded or unrecorded agreement of contract for the use of land.

Local Contact Person: A local property manager, owner, or agent of the owner, who is at least eighteen (18) years of age, reside within 60 minutes of the rental unit, is available to respond to the STR site, respond to tenant and neighborhood questions or concerns. The Local Contact Person shall be authorized by the owner to take remedial action and respond to any violation of this ordinance.

Nuisance: See Community Disturbance.

Occupancy: The purpose for which a building or portion thereof is utilized or inhabited.

Occupancy Load: The total number of people allowed in a STR at a given time.

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Occupant: Any individual over age two (2) using, living, or sleeping in a building, or having possession of a space within a building.

Owner: Any person, firm or corporation having a legal or equitable interest in the property; or recorded in official government records as holding title to the property; or otherwise having legal control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

Person: As used in this ordinance, the term person shall include individual(s), families, LLCs, corporations, or similar entities.

Premises: A lot, plot or parcel of land including any structures thereon.

Recreational Cabin: A structure that is utilized for recreational activity as outlined in the UCC (Uniform Construction Code) *Recreational Cabin Affidavit*. Any new recreational cabins, as well as any recreational cabins that are transferred from one owner to another owner, shall indicate in the deed that the structure is a recreational cabin. A travel/camper trailer shall also be considered a *Recreational Cabin* for the purposes of this Ordinance.

Recreational Cabin Affidavit: A form provided by the Pennsylvania Department of Labor & Industry; Bureau of Occupational & Industrial Safety that must be signed, notarized, and recorded pursuant to the PA Uniform Construction Code (UCC). Said form relieves the applicant from the construction requirements of the UCC, but restricts the use of the structure according to the following:

1. Will be utilized for recreational activities only.
2. Will not be utilized as a domicile or residence by the owner or any other person for any period of time.
3. Will not be used for any commercial purposes.
4. Will not exceed two stories in height (excluding the basement, if any).
5. Will not be used as a place of employment.
6. Will not be a mailing address for bills or correspondence.
7. Will not be listed as any individual's place of residence on a tax return, driver's license, vehicle registration or voter registration.

Rent: The consideration received by a vendor in money, credits, property, or other consideration valued as money for lodging.

Short Term Rental (STR): Any single family dwelling owned or managed by a person, firm or corporation which is rented or leased for a period of less than 30 consecutive calendar days. This shall also encompass the term "Vacation Home Rentals" and shall also be considered a *Transient Use*. Double and Multifamily dwellings are NOT permitted to be used as STRs.

Note: Dwellings constructed as Recreational Cabins under the "UCC Recreational Cabin Affidavit" outlined in the Pennsylvania Uniform Construction Code (PUCC), may not be used for any commercial purpose, including STRs.

Structure: Any man-made object having an ascertainable stationary location including, but not limited to buildings.

Tenant: A person, corporation, partnership, or group acting as a unit, that occupies a building or portion thereof with the consent of the owner whereby an exchange of value as compensation as defined in this ordinance as rent.

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Transient Use: The contractual use, by any person, of residential property for temporary or short-term lodging uses where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than 30 consecutive calendar days, per contract or lease.

Violation, Active: A disturbance created by humans and/or their pets. Examples include loud music, public drunkenness, trespassing, barking dogs, etc.

Violation, Passive: Something is out of place or missing. Examples include but are not limited to litter, garbage cans not being stored correctly or the absence of a required posting.

§61-8 (Reserved)

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ARTICLE III Specific Use Regulations

§61-9 Local Contact Person.

Each owner of a STR shall designate a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner who resides within one (1) hour driving distance of the STR may designate himself/herself as the local contact person. The local contact person shall respond to the Township within two (2) hours after being notified by the Township 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 promptly advise the owner of any notification of a violation.

§61-10 Standards and Conditions.

All Permits issued pursuant to this ordinance are subject to the following standards:

- A. Structure:** STRs shall only be permitted in single family structures. STR structures must have a permanent foundation, water under pressure, and be intended for permanent residency. Examples of structures not permitted for STR use include, but are not limited to travel trailers/campers, boats, glamping, or any other similar structures.
- B. Building Integrity and Safety:** Any structure used as a STR shall be subject to the following:
 - 1. Visual Inspection: In the event the Compliance Officer sees something that may be a safety issue, a referral will be made to the proper entity, i.e., Building Department, Sewage Enforcement Officer, etc.
 - 2. Smoke detectors: Smoke detectors shall be installed in all bedrooms, in hallways leading to bedrooms, and one on each floor, mounted on ceilings; four (4) to six (6) inches down from ceilings if mounted on walls; within thirty-six (36) inches of the highest point for vaulted ceilings. Smoke detectors must be in good working order.
- C. Health & Safety:** In the interest of promoting and protecting the public health, safety, and general welfare consistent with Section 604 of the Pennsylvania Municipalities Planning Code, all STR shall be thoroughly cleaned prior to each new occupancy.
- D. Occupancy Load:** The owner shall by written agreement, limit overnight occupancy of the STR to the specific number of occupants designated in the permit to the following:
 - 1. Overnight Occupants: Overnight occupants are not to exceed two (2) persons per bedroom plus two (2) additional persons per residence.
 - 2. Day Guests: The maximum number of day guests in addition to overnight guests, shall be determined in accordance with the following:
 - i. Where there is no central sewer: the number of day guests shall not exceed fifty (50) percent of the maximum overnight occupancy, contingent upon approval from the sewage enforcement officer.
 - ii. With Central sewer: the number of day guests shall not exceed one hundred (100) percent of the maximum overnight occupancy, contingent upon approval from the

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sewage treatment plant operator and plant capacity, or the SEO in the case of a community septic system.

- E. Bedrooms:** The number of bedrooms permitted for a STR shall not exceed the number of bedrooms approved for the dwelling on the sewage permit issued for such property.
1. Where there is no sewage permit on record, the applicant shall be required to get verification from the Township Sewage Enforcement Officer.
 2. STRs Units connected to a sewage treatment plant or other commercial system may only be limited by the limitations of the central sewer facility manager or commercial septic system manager. See 61-10.H.
 3. All rental homes advertising or renting more than three (3) bedrooms must provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer (SEO) or by providing a copy of an approved septic permit previously issued by an SEO. If a sewage system malfunction occurs, rental of the STR shall be discontinued immediately until the malfunction is corrected in accord with Township and PA Department of Environmental Protection requirements.
- F. Common Space:** The STR shall also have at least one (1) other habitable room containing a minimum of one hundred twenty (120) square feet of common area.
- G. Parking:** The owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the permit with the number of all vehicles not to exceed the number of designated on-site parking spaces.
1. Overnight and Day Guests: All parking for overnight guests and day guests shall be designated in the permit and shall be located on the Owner's property and not in any private, community, or public right-of-way.
 2. Number: A minimum of one (1) parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
 3. Standard: All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.
 4. Size: Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
 5. Additional Parking: Day guests shall be required to park in areas designated in the permit. Trailers shall be counted in the number of required parking spaces and may require more than one space as determined by the size of the trailer.
 6. Access: If the STR is accessed directly by a Township or state road, all parking spaces shall be accessed from the driveway serving the STR and not directly from the Township or State road.

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H. Sewage:

The STR shall be connected to one of the following:

1. Sewage treatment plant: A letter from the sewage treatment plant operator that the sewage treatment plant can handle the effluent based on the maximum number of guests stated on the application.
2. Community Commercial (CC) Septic System: A letter from the manager of the CC Septic System certifying that the System can sustain the additional Wastewater load.
3. On-Site Septic: Original documentation showing approval of the system and/or recent approval from the Sewage Enforcement Officer.
 - a. STRs units that utilize an on-site septic system shall present proof of the system being serviced/pumped annually by a commercial septic system service provider. Proof of septic service shall be provided with the annual renewal registration.

Note: Before any structure is razed or altered with regard to the number of bedrooms, the status of the existing septic system shall be certified by the SEO. Prior to the approval by the Zoning Officer or Building inspector, the SEO shall have provided the approval of the septic system to meet the proposed changes or, in the case of a new structure, the number of bedrooms in said new structure.

I. Disturbances:

1. Preemption: The owner/local contact person shall use best efforts to assure that the occupants or guests of the STR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Ordinance or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding STRs.
2. In Progress: The owner/local contact person shall respond when notified that occupants are violating this ordinance and/or laws regarding their occupancy. It is not intended that the owner or local contact person place himself or herself in harm's way.
3. Post-Event: The owner/local contact person shall, upon notification that occupants or guests of the STR have created unreasonable noise or disturbances, engaged in disorderly conduct, or violated provisions of this Ordinance 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.
4. Nuisance/Disturbance: A finding of the occurrence of any of the following nuisances/disturbances shall be considered a violation of this ordinance. Nuisances/disturbances include, but are not limited to the following:
 - a. Driving golf balls out into the lake or onto adjacent roads or properties
 - b. Shooting off fireworks after 10:00 P.M. or in such a manner as to present a public nuisance, threat, or safety issue to neighboring properties or persons.

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- c. Nude outdoor activities including but not limited to nude swimming.
 - d. Loud music or yelling after 10:00 P.M. or for extended periods of time throughout the day.
 - e. Excessive revving of motorcycles after 10:00 P.M. or for extended periods of time throughout the day.
 - f. Unlawful use of adjoining properties or trespassing on adjoining properties without the consent of the owner.
 - g. Any other use of the property or activity that would be a violation of the Federal, State, or local laws, or regulations.
 - h. Any other activity that would be considered a nuisance in a residential neighborhood.
- J. **Lighting:** Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
- K. **Other Occupancy:** Occupancy of recreational vehicles and camper trailers shall not be allowed. Any persons "camping out" in a tent on the premises shall be included in the total occupancy of the rental unit.
- L. **Fires/Burning:** The use of open fires, fire pits, (as applicable) shall be the responsibility of the Owner or Local Contact and shall comply with the Paupack Township Burning Ordinance (Ordinance 115-2012, or any ordinance that supersedes 115-2012). All open fires shall be extinguished by midnight.
- M. **Litter/Debris:** Any litter and/or garbage originating from the property of a STR shall be cleaned up and contained prior to sunset of the day it was created. This applies to litter and/or garbage on and off the STR property.
- N. **Posting Permit:** The owner of the STR shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the STR, preferably on the inside of the entrance door.
- O. **Posting Information:** Each STR shall post the following:
- 1. **Interior:** a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. The physical 911 address of the STR should be at the top of the posting so it is easy to find in the event of an emergency,
 - b. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis,

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- c. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests permitted at any one (1) time,
 - d. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way,
 - e. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any),
 - f. The garbage pick-up day and notification that garbage and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to garbage pickup to 6:00 p.m. on the day designated for garbage pick-up unless a bear proof container exists for use by the occupants,
 - g. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance;
 - h. A list of disturbances as cited in §61-10.G.4,
 - i. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this Ordinance subject to a citation and fines, and
 - j. Any community By-Laws that are in effect for the STR property.
2. Exterior: The owner shall conspicuously post and maintain a reflective metal 911 address sign so the content can be read from the adjacent road or roads if more than one.
- P. Occupant Conduct:** All residential STRs shall comply with the following standard: It shall be considered a violation of this ordinance for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by creating a nuisance via loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.
- Q. Waiver of Trespass:** The owner shall sign a waiver of trespass during the application process, allowing a designated Township representative access to the property as necessary.
- R. Saturation:** STR property lines must be a minimum of two hundred (200) feet from each other. STR properties in violation of this restriction at the time of this Ordinance's enactment shall be exempt from this restriction.
- S. Insurance:** The owner shall modify their existing homeowner's policy to reflect that the building will be used as a STR. In addition to the homeowner's policy, the applicant shall secure a liability insurance policy containing coverage limits as defined by the Township. The policy shall add the Township and the community (POA) as an additional insured.
- T. State and Federal Laws and Regulations:**
1. Compliance: This Ordinance shall be subject to all new state and federal laws and regulations pertaining to STRs. In the event a new law or regulation is in conflict with a

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section or sections of this ordinance, said section(s) shall be considered null and void. All remaining sections of this Ordinance shall still have standing and remain in effect until such time as an amendment or new STR Ordinance is approved by the Supervisors.

2. **Recreational Cabins:** Any structure considered a Recreational Cabin as defined by the Pennsylvania Department of Labor & Industry; Bureau of Occupational & Industrial Safety, shall not be used as a STR as per the restrictions in the Recreational Cabin Affidavit provided by the Pennsylvania Department of Labor & Industry; Bureau of Occupational & Industrial Safety.

§61-11 Permit

Permits shall be issued to the individual or entity as evidenced by the deed. Permits are NOT transferable: In the event the STR property is sold, the new owner(s) must submit a new STR application to the Township and go through the Conditional Use process if applicable (STRs located in the R1 or S1 Districts require Conditional Use approval). Should the current owner make changes to the property or use, a new permit application may be required.

§61-12 Annual Registration

Each STR shall register with the Township on an Annual Basis. Registrations shall be due by March 31 each year, with a fee as adopted by the Board of Supervisors. Late registrations shall be subject to a 20% late fee. Annual registrations must be submitted in the name of the individual or entity listed on the original permit.

§61-13 Marketing

The marketing of a STR shall be subject to the following criteria:

- A. **Occupancy:** The marketing for a STR in which the advertised occupancy exceeds the maximum occupancy as stated on an approved permit, shall be a violation of this ordinance.
- B. **Responsibility:** The owner of a STR shall be responsible for the content of any marketing ads, regardless of who places the ad.
- C. **Use:** Marketing that advertises the STR property for any other use than that stated in the permit shall be a violation of this ordinance.
- D. **Copy of Advertisement:** The owner or local contact person shall provide the Compliance Officer a copy of all advertisements relating to the STR. If the advertisement is not in printed form, such as but not limited to audio or video, the owner or local contact person shall provide either a written transcript of the advertisement, a link, or a digital copy saved in a format that the Compliance Office can access it without special software.

§61-14 (Reserved)

§61-15 (Reserved)

§61-16 (Reserved)

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ARTICLE IV Administration

§61-17 Compliance Officer

It shall be the duty of the Compliance Officer to carry out the following provisions of this Ordinance.

A. **Appointment:** The Township shall appoint one (1) or more Compliance Officers, who may be an individual, or contracted agency, to make reports and administer all aspects of this Ordinance as determined by the Township.

B. **Duties:** The Compliance Officer shall be responsible for the following:

1. **Inquiries:** Receive and respond to any and all inquiries whether in-person, phone call, digital communication, and the like, in a timely manner.
2. **Applications:** Examine all STR permit applications for completeness. In cases where a STR is in the R-1 or S-1 District, forward the application to the Planning Commission as a Conditional Use.
3. **Hearings:** Schedule Conditional Use hearings when applicable, and post hearing advertisements. Provide all pertinent information to the Supervisors and/or Planning Commission prior to Conditional Use hearings and, upon request of the Supervisors and/or Planning Commission, attend said hearings.
4. **Fees:** Collect all fees associated with STR.
5. **Consultation:** Engage the services of competent engineers or other consultants to determine the nature and extent of any discrepancies within an application or of any on-site discrepancies; with authorization of the Township.
6. **Permits:** Issue permits according to the provisions of this Ordinance.
7. **Record Keeping:** Record and keep a database of the following:
 - a. All active STRs, including:
 - i. Wayne County Control Number
 - ii. Original issuance date of STR permit
 - iii. Renewal date of current STR permit
 - iv. Owner's name, address, email, and phone number
 - v. Local Contact Person's name, address, email, and phone number
 - vi. 911 address of STR

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- vii. Maximum number of occupants, both overnight and day guests
 - viii. Number of parking spaces
 - ix. Type of wastewater system
- b. All violations, including unfounded and unverified reports:
- i. Date of violation
 - ii. Name of owner when violation occurred
 - iii. Name of person filing complaint
 - iv. Nature of violation
 - v. Action taken by Township
 - vi. Action taken by owner/local contact person
 - vii. Outcome
 - (1). Warning issued
 - (2). Unfounded report
 - (3). Unverified report
 - (4). Permit revoked (temporarily or permanently)
 - (5). Other
8. **Notification:** Notify the Supervisors and the Local Contact Person of any violations of this Ordinance.
9. **Inspection:** Inspect the STR during the application process to ensure compliance with the provisions of this Ordinance.
10. **Citations:** Issue citations to the owner(s) for violations and follow through to the Magisterial District Judge together with a Paupack Township Supervisor as applicable, except that all criminal activities shall only be enforced by certified Police Officers.
- C. Conditions:** The Township Supervisors shall have the authority to impose additional reasonable conditions on any permit or renewal in the event of any prior violation of the conditions of the permit or the provisions of this ordinance to address any such past violations.

NOTE: The Township reserves the right to render services from the building inspector, sewage

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enforcement officer, zoning officer, Township engineer, or other agency appointed by the Township to enforce the standards of this Ordinance.

§61-18. Forms and Procedures.

Permit applications and registration forms and procedures shall be as required by this ordinance or as otherwise amended or adopted by resolution of the Township. In addition to the requirements of this STR Ordinance, the following approvals must be obtained before the STR permit can be issued:

- A. **Zoning Districts:** STRs shall be allowed in the following districts in accordance with the Paupack Township Zoning Ordinance:
 - 1. **R-1 & S-1 Districts:** STRs are listed as a Conditional Use in the R-1 and S-1 District and must therefore be reviewed by the Township Planning Commission, be subject to a Public Hearing, and approved by the Township Board of Supervisors.
 - 2. **R-R, C-1, C-2 Districts:** STR are listed as a Principal Permitted Use in the R-R, C-1, and C-2 Districts and must meet all criteria of this STR Ordinance prior to a STR Permit being issued by the Township.
 - 3. STRs shall not be permitted in the following Districts:
L-1 Lake District
- B. **Structure:** The structure, based on the proposed use, shall require the approval of the Township as outlined in §61-10.A. *This shall include verification that the dwelling was not constructed under the PA UCC "Seasonal Cabin Affidavit."*
- C. **Sewage:** The sewage discharge must be approved as outlined in 61-10.H.
- D. **Taxes:** The applicant shall provide proof of compliance pertaining to all County, State, and Federal Tax requirements

§61-19 Permit Required.

- A. A permit shall only be issued to the owner of a newly proposed STR or a new owner of an existing STR upon compliance with all requirements of §61-10.
- B. Pre-existing STR dwelling units shall be registered by submitting a complete application within ninety (90) days of the effective date of this ordinance to retain the non-conforming use and shall comply with all of the requirements of this STR Ordinance. After the Township inspects the STR for compliance with this Ordinance, the applicant will have thirty (30) days to make any required changes, unless extended by the Township. Pre-existing STR dwelling units are exempt from the Conditional Use process.
- C. STRs shall only be allowed in those districts where permitted by the Paupack Township Zoning Ordinance.
- D. Each permit shall be renewed annually. If there are changes to the information in the original application prior to the annual renewal date, the permit shall be updated within 10 days.

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- E. During the annual renewal process, the applicant shall show compliance with any changes/amendments to this STR Ordinance, or the permit may be revoked.
- F. A separate permit shall be required for each individual STR unit.
- G. The permit shall be issued only in the name of the owner of the STR, who shall be responsible for compliance with the provisions of this ordinance. Failure of the local contact person to comply with this ordinance shall be deemed noncompliance by the owner.
- H. Transfer of ownership of the subject STR property shall be reported to the Township promptly, and the new owner shall submit a new STR application to the Township prior to operating the STR.

§61-20 Application

An application for a STR permit shall be submitted to the Zoning Officer for compliance with the Zoning Ordinance, then filed with the Compliance Officer.

A. **Application:** The application shall contain the following information:

1. **Owner:** The name, address, phone number and email address of the owner. The owner must be identified on the deed as the lawful owner of the STR property.
2. **Wayne County Control Number:** The Wayne County Control Number shall be listed on the application.
3. **Wayne County Tax Map Number:** The Wayne County Tax Map Number shall be listed on the application.
4. **Address:** The 911 address as stated on the verification letter issued from the Wayne County Department of Planning.
5. **Local Contact Person:** The name, address, email address, and 24-hour phone number of the local contact person. The owner may act as the Local Contact Person, provided he or she lives within one (1) hour travel time of the STR address.
6. **Occupants:** The maximum number of overnight occupants as outlined in section 61-10.D.
7. **Guests:** The maximum number of guests allowed on the premises as outlined in section 61-10.D.
8. **Parking:** A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and documentation detailing the number and location of available off-site parking spaces.
9. **Sewage System:** If not on a central sewer system, the location, approximate age and capacity of the tank and field (if known).
10. **Acknowledgment:** The owner shall agree to the following by initialing:

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- a. the owner and/or local contact person have read all regulations pertaining to the operation of the STR,
- b. the owner or local contact person will post and maintain the required interior and exterior STR notices as detailed herein,
- c. the following waiver of trespass statement: *I acknowledge that by initialing this line I grant a Township representative access to the STR property for the purposes of inspection and/or to respond to a violation. If a Township representative needs access to the interior of the STR, a prearranged time will be set,*
- d. The applicant understands the STR they are operating is in a community where there may be applicable covenants, rules, regulations, and/or bylaws which may affect the use of the property, including the right to operate the property as a STR.
- e. the owner or local contact person will post and maintain signs as outlined in §61-10.N. and §61-10.O,
- f. The owner and local contact person agrees to comply with all aspects of the STR Ordinance of Paupack Township.

B. Addendums

The following documents shall be provided to the applicant with the application:

1. A checklist of the items in §61-10
2. A copy of the STR Ordinance
3. A copy of the Wayne County Hotel Room Rental Excise Tax Rules/Regulations and Registration Application
4. A sample of the inside rules/regulations that needs to be posted in the STR

C. Documents

The following documents shall be submitted with the application as applicable:

1. A copy of the deed.
2. A copy of a current Wayne County Hotel Room Rental Excise Tax Certificate and current Pennsylvania Sales Tax License if such Certificate and/or License is required by the applicable regulations.
3. A copy of the 911 address verification letter issued by the Wayne County Department of Planning.
4. A copy of the proposed STR lease.
5. Approval from the building inspector that the structure complies with §61-10.
6. Approval from the appropriate sewage authority.
7. A copy or link to any advertisements for the STR.

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8. A copy of the garbage removal contract.

Note: The Township must be notified within ten (10) days if any information provided in the application changes prior to the annual renewal date. Failure to notify the Township shall be considered a violation of this Ordinance.

§61-21. Fees.

Fees for the administration of this ordinance shall be charged in accord with the fee schedule adopted by resolution of the governing body. It is the intent of the Township that fees collected shall cover the implementation costs of this ordinance so as to not incur a financial burden to the Township or its taxpayers.

§61-22 Inspections.

- A. **Compliance Officer:** All STR units shall be subject to inspection and approval by the Compliance Officer to verify registration, application, license, operating and/or occupancy requirements or if there is reason to believe that any provision of this ordinance is being violated. Prior to the initial letting of a STR and prior to the license renewal, the owner shall arrange for an inspection annually by the Compliance Officer to confirm that occupancy requirements herein are satisfied. It shall be unlawful for any person to hinder, delay, resist or prevent the Compliance Officer from having full access to any place or premises upon which a violation of this Ordinance is believed to exist.
- B. **Sewage Enforcement Officer:** All STR unit wastewater disposal systems shall be subject to inspection and approval by the Sewage Enforcement Officer (SEO).

§61-23 Violations, Complaints, and Remedies.

Failure to comply with any provision of this ordinance, and/or failure to comply with an order to abate an activity, use and/or condition, shall be a violation of this ordinance and subject to criminal prosecution and the revocation of the STR permit.

A. Violations

1. **Active Violation:** An active violation is a public nuisance or disturbance created by humans and/or their pets. Examples include but are not limited to loud music, public drunkenness, trespassing, barking dogs, etc. Active Violations shall result in a written Notice of Violation.
 2. **Passive Violation:** A passive violation is when something is out of place or missing. Examples include but are not limited to litter, garbage cans not being stored correctly or the absence of a required posting. Passive Violations shall result in a written Warning.
- B. **Complaints:** All complaints are investigated, documented and resolved by the Township. Resolutions are between the Township and the STR owner and considered confidential, as some resolutions may involve legal action against the STR owner. The addition of pictures and/or recordings to the written complaint shall help validate the nature of the complaint (Active or Passive) and subsequent notice to the STR owner.

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1. Violation in Progress: If the STR occupants are creating a public nuisance or disturbance that is not a criminal activity, the activity should be photographed and/or recorded and a description documenting the activity should be written down. If the complainant believes the occupants of a STR are engaged in criminal activity, or any activity that threatens the health or safety of others, the complainant has the right to call the police, 911, or local security. If, as a result of a police officer, or on-duty security personal investigating an alleged illegal activity at an STR and the STR occupant is cited and convicted of any criminal or summary offense relating to a provision of the STR Ordinance as determined by the Compliance Officer, that shall constitute a violation of this Ordinance and result in a written Notice of Violation.

Note: The Compliance Officer does not respond to violations in progress.

2. Violation Preceding Complaint: Only a person or persons, or a representative appointed by an affected person(s), such as an attorney or a community association, can file a complaint. Upon receipt of a complaint of a violation, the Compliance Officer shall review such complaint and make a determination on the validity of the complaint. Complaints must be submitted in writing and include the name and address of the person registering the complaint, the address of the STR the complaint is filed for, and a brief description of events in support of the alleged violation on a form provided by the Township.

3. Frivolous Complaints:

- a. Filing of a complaint that is deemed to be frivolous by the Compliance Officer may result in the complainant being assessed administrative costs of investigating same at a minimum cost of two hundred dollars (\$200.00).
- b. The complainant may appeal the Compliance Officer's decision to the Supervisors. Appeals should be submitted in writing to the Township secretary.

4. Confidentiality:

- a. The Compliance Officer shall maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release said information.
- b. The Compliance Officer shall maintain the confidentiality of any action taken against, or resolution agreed upon with the owner of an STR as a result of a complaint filed with the Township.

C. Service of Notice: Whenever the Compliance Officer determines that a violation of this Ordinance exists, the Compliance Officer shall prepare a written notice to be served on the owner and local contact person of the premises on which the violation is located or originates.

1. Written notice may be in the form of a Notice of Violation when an Active Violation has occurred or a Warning if a Passive Violation has occurred.
2. The written notice shall include the following information:
 - a. The condition(s) that constitute the violation,

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- b. The date and approximate time the violation took place.
 - c. What action is required to abate the violation.
 - d. A timeframe for the abatement (to be established by the Compliance Officer based upon the nature of the violation and providing the owner a reasonable period to take the required action. In certain cases, immediate correction may be required).
3. The written notice shall be served within five (5) days of the determination of the violation by one (1) or more of the following methods:
 - a. Personal delivery.
 - b. Certified mail with Return Receipt Requested to the address provided in the application; service shall be deemed effected when the Return Receipt is received by the Township.
 - c. Regular mail to the address provided in the application; service shall be deemed effected when the parcel is not returned as undeliverable within ten (10) days after being placed in the mail.
 - d. Email to the owner and local contact person.
- D. **Fine:** The Township shall have the right to file a suit with the District Magistrate. Any person who has violated or permitted the violation of any provisions of this ordinance shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) per day of violation, together with the costs of suit including reasonable attorney fees. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this ordinance, shall be paid over to the Township. In addition, the Township may also proceed before the Magisterial District Judge and recover a civil penalty against the defendant for an amount ranging from \$300 to \$1000 per violation, per day of said violation.
- E. **Other Remedies:**
 1. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 2. The Township shall also have the right to seek injunctive relief for violations of this ordinance.
 3. The Magisterial District Judge may find the defendant guilty and subject to criminal prosecution as well as any monetary judgments.
- F. **Short-Term Permit Revocation:**
 1. Each Notice of Violation shall count as one (1) violation of this ordinance; three (3) written Warnings addressing the same type of infraction shall count as one (1) violation of this ordinance.

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2. If the owner of a STR is found to be in violation of this ordinance three (3) or more times within a thirty-six (36) month period, the STR permit shall be permanently revoked. Confirmation of each violation shall be validated by:
 - a. An admission of a violation by the STR owner (the STR owner shall sign the written violation confirming the violation took place), or
 - b. A favorable outcome to the Township by a Magistral District Court.
 - i. In the event the owner of an STR refuses to sign the written violation confirming a violation took place, the owner of the STR shall be subject to court costs and or fines as outlined in §61-23.D if the Township receives a favorable outcome.
3. After a STR permit is revoked, the dwelling shall be limited to an approved occupancy by the owner(s) immediate family and relatives (this is provided that the termination was not a result of a malfunctioning septic system, which would require the approval of the Sewage Enforcement Officer prior to any occupancy). Capacity will be limited to that in the revoked permit until such time that the owner formally rescinds the property as a STR.
4. Legal transfer of title of the STR, except between spouses, and/or lineal, or collateral family members, whether said family member(s) are the direct owner of the STR or are members of an LLC or other entity that owns the STR, shall result in the right to apply for a new STR permit and conditional use application, if required by the new owner with no previous violations attributed to the new owner.
5. Sewage Revocation: In the event the sewage disposal system malfunctions, the Township shall have the right to immediately, but temporarily suspend the STR permit until the sewage disposal system is certified by the SEO as functional.

§61-24 Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the governing body that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§61-25 (Reserved)

§61-26 (Reserved)

§61-27 (Reserved)

§61-28 (Reserved)

Paupack Township Short Term Rental Ordinance

Paupack Township, Wayne County
Pennsylvania

Paupack Township Short Term Rental Ordinance

Ordinance Number 2023-61
Adopted 8/10/2023
Amended Number 61.1 7/25/24

Article V Enactment

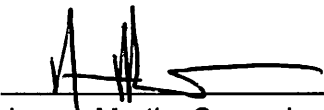
§61-29 Enactment

Ordained and enacted, as amended, this 25th day of July, 2024 by a vote of three (3) yes and zero (0) no. Said Ordinance to take effect on the 30 day of JULY, 2024.

July 25, 2024
Date


Bruce Chandler, Chairperson


Maureen Camasta, Secretary


James Martin, Supervisor


Robert Boogertman, Supervisor

