

LACKAWAXEN TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 114

AN ORDINANCE ESTABLISHING THE REGULATION OF SHORT-TERM RENTALS IN THE TOWNSHIP.

**Article 1, Short title**

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

**Section 2. Authority and Purpose**

- A. This Ordinance is authorized under Section 1506-General Powers, Section 1517- Building & Housing Regulations, Section 1527- Public Safety and Section 1529- Nuisances, of the Second-Class Township Code.
- B. The purpose of this Ordinance is to regulate the use of Short-Term Rentals, as well as provide the rural and recreational character of the Township which attracts residents, homeowners and visitors.
- C. Short-Term Rentals shall be permitted in all districts in the Township, if the Ordinance requirements are satisfied.

**Section 3. Definitions**

**Dwelling Unit.** One (1) or more rooms in a residential dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for long term residency by not more than one (1) family at a time.

**Local Contact Person.** A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this Ordinance.

**Short-Term Rental.** Any dwelling unit within a residential dwelling structure rented for overnight lodging for a period of not less than one (1) day and not more than thirty (30) days.

**Bedroom.** A Bedroom shall have an area of not less than eighty (70) square feet and an outside window for egress.

#### **Section 4. 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. 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. This Ordinance specifically does not apply to the following, Bed and Breakfasts, Private Clubs and Lodges, Group Care Facilities, Group Family Households, Hotels, Hotels Small, Housekeeping Cottages, Motels, Motels Small, Nursing Homes, Tourist Recreation and Lodging Facilities.

#### **Section 5. Standards**

- A. The Owner shall, by signing the Application, limit overnight occupancy of the Short-Term Rental to the specific number of occupants designated in the permit, with the number of overnight occupants not to exceed two (2) persons per bedroom plus four (4) additional persons per residence.
- B. The maximum number of day guests allowed at anyone (1) time, in addition to the overnight occupants, shall be seventy-five (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. In no event shall parking for Short-Term Rental guests include spaces in any public street or right- of-way or on a septic system.**
- 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 Township's Ordinances, or any state law, or any Homeowner's Association regulation, 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. The Owner is ultimately responsible for conduct of all Renters and Invitees and the Township will have the**
- authority under this Ordinance to fine the Property Owner for his or her actions of their guests.**
- 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 Township's Ordinances or any state law, or any Homeowner's Association regulation, 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, campers, 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:**

- a. 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 the party can be reached on a 24-hour basis.
  - b. The 911 address of the property.
  - c. The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at anyone (1) time.
  - d. The maximum number of all vehicles allowed to be parked on the property and the requirement that all guest parking must be on the Short-Term Rental property and not in or along any private, community or public street right of way or on the septic system.
  - e. The trash pickup and notification that the trash and refuse shall not be left or stored on the exterior of the property except in watertight 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 pickup.
  - f. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Township's Ordinances, including parking and occupancy limits.
  - g. 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:
- a. Interconnected smoke detectors with battery back up in each bedroom.

- b. Interconnected smoke detectors with battery backup outside each bedroom in common hallways.
  - c. Interconnected smoke detectors with battery back up on each floor.
  - d. GFI outlets for outlets located within six (6) feet of water source, unfinished basements and garages.
  - e. Aluminum or metal exhaust from dryer.
  - f. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove.
  - g. Carbon monoxide detector if garage is attached.
  - h. Fire extinguisher in kitchen. In addition to the above items, the rental property shall conform to all building code regulations of the Internal Residential Code, if the home was built after 2004.
  - i. All stairs and handrails in good condition and must be in compliance with the most recent International Residential Code, if the home was built after 2004.
  - j. Emergency egress windows or doors in all sleeping rooms or furnished basements and in compliance with the most recent International Residential Code.
  - k. Fire separation between attached garages and dwelling units.
- K. Each owner of a Short-Term Rental shall designate a local person, property manager or agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner of a Short-Term Rental who resides within thirty (30) miles of the Short-Term Rental may designate

himself as the local contact person. The local contact person shall respond to the Enforcement Officer within one (1) hour after being notified 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 a violation.

**Section 6. Application Requirements.**

All Short-Term Rental Applications shall contain the following:

- A. 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.
- B. The name, address and 24-hour telephone number of the managing agency, agent, or local contact person.
- C. 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.
- D. Signatures of the owner and the local managing agent or local contact person.
- E. Waiver signed by the owner allowing access to the property for the Zoning Officer for the purpose of compliance with the Township's Ordinances.
- F. A verified statement by the owner proving ownership or a certified copy of the current recorded deed.
- G. A copy of a current Pike County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License.

- H. If the property is in a Community Association, owner must prove the Association permits Short-Term Rentals. Proof can include a letter from the Board of Directors of the Association stating that Short-Term Rentals are permitted in the Community.
- I. Provide the name of the Refuse Hauler.
- J. Homeowner must have proof of Renter's Insurance.

**Section 7. Issuance of License.**

Following approval and payment of the fee, a Short-Term Rental License shall be issued only to the owner of the Short-Term Rental property.

- A. 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.
- B. The License is effective for a period of one (1) year, or until any conditions of the shortterm rental are changed, whichever occurs first.
- C. The License must be renewed annually, or whenever any of the conditions of the short-term rental are changed.
- D. Any renewal shall require inspections in accord with this Ordinance.
- E. Any renewal application shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
- F. The issuance of a License is not a warranty that the premises is lawful, safe, habitable or in compliance with this Ordinance. Rather, the License indicates that the premises are either set to be inspected on a routine basis or, if inspected, the premises met the requirements of this Ordinance on the day and time of inspection.

**Section 8. Fees.**



- A. Short Term Rental License fees payable to the Township upon the filing of the Short-Term Rental License application, shall be in such amount as may be established by the resolution duly adopted by the Board of Supervisors.
- B. Any Short-Term Rental License renewal fees shall be in the amount as may be established by the resolution duly adopted by the Board of Supervisors.

**Section 9. Enforcement**

- A. The Township Zoning Officer and the Township Building Code Official shall conduct inspections, make reports and administer this Chapter as well as issue notices of violation.
- B. The Township Zoning Officer and/or Township Building Code Official may engage the services of competent consultants, including but not limited to competent engineers to determine the nature and extent of any violation.
- C. If there is reason to believe that any provision of this Ordinance is being violated, the Board of Supervisors may or may cause, through an authorized representative, entry onto the 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 the 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.
- D. The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Ordinance, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance.

- E. The enforcement officer shall maintain the confidentiality of the name and address of any person registering any complaint unless otherwise required by law to release such information.

**Section 10. Inspections.**

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

**Section 11, Violations**

- A. 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 to 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, which shall be established by the Enforcement Officer based upon the nature of the violation, to correct the violation.
- B. Any violation of this Chapter shall be declared a public nuisance.
- C. 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 One Hundred (\$100.00) Dollars nor more One Thousand (\$1,000.00) Dollars per violation, plus all court costs and reasonable attorneys' fees included by the 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 the Township are hereby authorized to seek equitable relief, including injunction, to enforce the compliance with this Chapter. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Chapter shall be paid to the Township for its general use.

- D. In addition to but not limited to the above provisions, 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 of a Short-Term Rental License shall continue for one (1) year for the first set of three (3) uncured or repeated violations and shall continue for an additional one (1) year for any subsequent set of violations.
- E. Should liability be found and if the premises are owned by more than one owner, each owner shall be jointly and severally liable for any and all violations of this Chapter.

#### **Section 12. Appeals**

- A. Appeals of any findings or Notices from the Building Code Official shall be processed in accordance with the 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.
- C. Appeals shall be processed as follows:

- a. 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.
- b. 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.

**D. Hearings.** The Board of Supervisors shall conduct hearings and make decisions pursuant to Local Agency Law, and in accordance with the following requirements:

- a. Written notice shall be given to the Appellant, the Zoning Officer and to any person who has made a timely request for the same. Written notices shall be given at such time and manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the Hearing.
- b. The hearing shall be held within sixty (60) days from the date of the appeal is filed unless the Appellant has agreed in writing to an extension of time.
- c. 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 appearance and requested a copy of the decisions, at the address provided by them either by personal delivery or by United States First Class Mail, postage prepaid.

- d. 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 presented by the parties.
- e. 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.
- f. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- g. 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 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.
- h. 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 own 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 representatives unless all parties are given an opportunity to be present.

**Section 13. Associations**

Nothing in this Chapter shall prevent any Homeowners Association, Property Owners Association or like Association of property owners from prohibiting Short-Term Rentals or implementing and imposing any other additional requirements.

**Section 14. Severability**

Each section and subsection of this Ordinance shall be deemed to be severable and not affected by any determination that any other provision of this Ordinance is enforceable. 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 Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 15. Repealer**

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

**Section 16. Effective date**

This Ordinance shall take effect on April 19, 2021

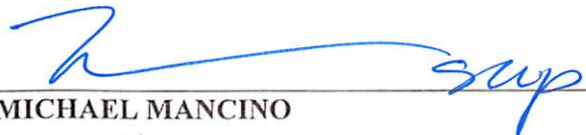
DULY ENACTED AND ORDAINED at a public meeting of the Board of Township

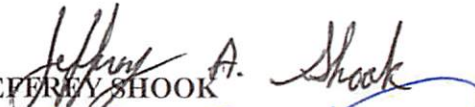
Supervisors, Pennsylvania, held on the 19 day of April, 2021.

LACKAWAXEN TOWNSHIP SUPERVISORS

Attest:

  
Chief Clerk

  
MICHAEL MANCINO

  
JEFFREY SHOOK

  
JOHN BEISEL