

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF PENN FOREST
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-2

AN ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2021-2 ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF PENN FOREST, CARBON COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING APPLICATION AND LICENSE PROCEDURES; ESTABLISHING STANDARDS FOR SHORT-TERM RENTALS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; AND, PROVIDING APPEAL PROCEDURES."

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Penn Forest Township that Ordinance No. 2021-2 entitled, "An Ordinance of the Township of Penn Forest, Carbon County, Pennsylvania, to Provide for the Licensing and Regulation of Short-Term Rentals Within Penn Forest Township, Carbon County, Pennsylvania; Defining Certain Terms Used Herein; Establishing Application and License Procedures; Establishing Standards for Short-Term Rentals; Providing for Inspections; Providing for Enforcement Responsibility; Establishing and Providing for Violations and Penalties; Declaring Violations to be a Public Nuisance; and, Providing Appeal Procedures" be amended as follows:

1. In Section 4 the phrase "on residential neighborhoods" shall be deleted.
2. In Section 5 the following definitions shall be added:

Family Member: A person related by blood, marriage, or adoption, including a parent, spouse, child, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law.

Violation Ticket: A form issued by an enforcement officer to a person who violates a provision of this Ordinance. The Violation Ticket is an offer by the Township extended to a person to settle a violation by paying an amount of money in lieu of a citation being issued against the violator.

3. In section 5 the definition of "Short-Term Rental" shall be deleted in its entirety and replaced by the following:

Short-Term Rental: A dwelling unit that is rented, licensed and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented, licensed and/or leased for a transient use under this Ordinance, unless excluded herein, including (but not limited to) single family detached, twin dwelling units, townhouses, rowhouses or apartments, whether or not primarily used as permanent residences or seasonal or vacation homes.

4. The first paragraph of the definition of "Unreasonable Noise" in section 5 shall be deleted in its entirety and replaced by the following:

Unreasonable Noise: Any sound that is plainly audible to an unaided human ear at any boundary line of the lot(s) or parcel(s) of land on which the Short-Term Rental (or any activity, operation or use related to or associated with the Short-Term Rental) is located between the hours set forth below (1) for a continuous period in excess of fifteen (15) minutes, or (2) more than a total of thirty (30) minutes in any four (4) hour period:

Sunday	from 9:00 PM	to Monday	at	8:00 AM
Monday	from 9:00 PM	to Tuesday	at	8:00 AM
Tuesday	from 9:00 PM	to Wednesday	at	8:00 AM
Wednesday	from 9:00 PM	to Thursday	at	8:00 AM
Thursday	from 9:00 PM	to Friday	at	8:00 AM
Saturday	from 12:00 AM	to Saturday	at	8:00 AM
Sunday	from 12:00 AM	to Sunday	at	8:00 AM

5. In section 6(I) the phrase, "but shall be entitled to get a license provided such a new owner complies with the terms of this Ordinance" shall be deleted.
6. Section 8(A)(3) shall be deleted in its entirety and replaced by the following:

A photograph of the short-term rental taken from the roadside; the image is to include the street address of the short-term rental in conformance with the signage requirements in Township Ordinance No. 2003-03; and, a copy of the deed to the short-term rental.

7. A new section 8(A)(15) shall be added which provides:

Proof that satisfactory arrangements have been made for the collection and disposal of solid waste created or produced by the short-term rental as per Township Ordinance No. 92-1, as amended.

8. Section 8(C) (Inspection; Fee) shall be deleted in its entirety and replaced by the following:

Inspection; Fee. If the information supplied by the owner on the application for a short-term rental license or any renewal thereof is not consistent with Township records or in order to verify the information supplied by the property owner on the application for a short-term rental license or any renewal thereof, an inspection may be required prior to or after the issuance of the short-term rental license or any renewal thereof. An inspection fee established by Resolution of the Board of Supervisors shall be charged for any inspection deemed necessary by the Township.

9. The following sentence shall be added to the end of section 9(B):

Notwithstanding anything in the foregoing to the contrary, it shall be a violation of this Ordinance to use or operate a short-term rental without a current valid license issued pursuant to this Ordinance.

10. Section 10(A)(1) shall be deleted in its entirety and replaced by the following:

The owner shall, by written agreement, limit overnight occupancy of the short-term rental to a number of persons not to exceed an average of two persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four additional persons per residence. For the purpose of this section 10(A)(1), children less than two (2) years old shall not count towards the limit of overnight occupants. However, in advertising or marketing the occupancy of a short-term rental, the maximum stated occupancy shall not exceed an average of two (2) persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four (4) additional persons per residence (see section 13)).

11. Section 10(A)(3) shall be deleted in its entirety and replaced by the following:

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 bedrooms unless proof is provided to the Township Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows and the Township Sewage Enforcement Officer approves the sewage disposal system for the number of bedrooms in excess of three (3). If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

12. The following sentence shall be added to the end of section 10(A)(7):

Notwithstanding the owner's use of best efforts, Unreasonable Noise, disturbances or disorderly conduct shall be a violation of this Ordinance.

13. In section 10(A)(10) the word "allowed" shall be replaced by the word "permitted".
14. Section 12(B) shall be deleted in its entirety and replaced by the following:

Interference. Provided the short-term rental dwelling unit is accessed in accordance with this section 12, it shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to the short-term rental and the premises on which it is located.
15. Section 13(a) shall be deleted in its entirety and replaced by the following:
 - (a) advertising or marketing the occupancy of a short-term rental for a number of occupants which exceeds an average of two (2) persons per bedroom (i.e. number of occupants/number of bedrooms=average) plus four (4) additional persons per residence (see section 10(A)(1)).
16. In section 14 the phrase "notice of violation" shall be replaced by the term "Violation Ticket".
17. In the second sentence of section 14(B) the phrase "if there is an existing violation of this Ordinance" shall be replaced by the phrase "if there is or was a violation of this Ordinance".
18. A new section 14(D) shall be added which provides:
 - D. Separate Offense. Each day of a violation shall constitute a separate offense for which a separate fine may be imposed.
19. In section 15(A) the phrase "written Notice of Violation" shall be replaced by the term "Violation Ticket".
20. Section 15(B) shall be deleted in its entirety and replaced by the following:
 - B. Content of Violation Ticket. The Violation Ticket shall contain (a) the conditions which constitute the violation; (b) what section or sections of this Ordinance have been violated; (c) the amount that must be paid to avoid criminal proceedings and the time within which payment must be made; and (d) the amount of fines and penalties if payment is not made within the stated time period.
21. Section 15(C) shall be deleted in its entirety.
22. Section 16 shall be deleted in its entirety and replaced by the following:

Section 16. Amount of Violation Ticket/Payment of Amount Stated in Violation Ticket.

- A. For the first violation of this Ordinance within a twelve (12) month period, a Violation Ticket shall be issued in the amount of \$100.00.
- B. For the second violation of this Ordinance within a twelve (12) month period, a Violation Ticket shall be issued in the amount of \$250.00.
- C. For the third violation of this Ordinance within a twelve (12) month period, a Violation Ticket shall be issued in the amount of \$500.00.
- D. For each offense subsequent to the three (3) offenses of this Ordinance within a twelve (12) month period, amounts of Violation Tickets shall increase in the amount of \$100.00, accumulative for each subsequent offense.
- E. Any persons who receive a Violation Ticket for any violation of this Ordinance may, within fifteen (15) days after receipt of the Violation Ticket, admit the violation, waive a hearing, and pay the amount stated in the Violation Ticket in full satisfaction.

23. A new section 17 shall be added which provides as follows:

Section 17. Violation Ticket Penalties.

- A. If the person in receipt of a \$100.00 Violation Ticket does not pay the amount stated in the Violation Ticket within fifteen (15) days after receipt of the Violation Ticket, the person will be subject to a penalty of \$50.00 for days 16 through 30.
- B. If the person in receipt of a \$250.00 Violation Ticket does not pay the amount stated in the Violation Ticket within fifteen (15) days after receipt of the Violation Ticket, the person will be subject to a penalty of \$100.00 for days 16 through 30.
- C. If the person in receipt of a \$500.00, or higher, Violation Ticket does not pay the amount stated in the Violation Ticket within fifteen (15) days after receipt of the Violation Ticket, the person will be subject to a penalty of \$250.00 for days 16 through 30.
- D. Failure of the person to make payment and waive a hearing within thirty (30) days of receipt of a Violation Ticket shall make the person subject to a citation for the violation.
- E. For the second and subsequent violations of this Ordinance, whether or not it is the same section of this Ordinance which is violated, the enforcement officer may issue a citation rather than a Violation Ticket.

24. A new section 18 shall be added which provides as follows:

Section 18. Citation/Fines.

Any person who has violated or permitted the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00 per day per violation, together with costs, including reasonable attorney fees. Each day of a violation shall constitute a separate offense for which a summary conviction may be sought. All fines, 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.

25. A new section 19 shall be added which provides as follows:

Section 19. Other Remedies.

The Township shall also have the right to seek any other appropriate legal or equitable remedies, including injunctive relief, for violations of this Ordinance.

26. A new section 20 shall be added which provides as follows:

Section 20. License Revocation.

If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month period, then the license shall be revoked by the Township for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.

27. A new section 21 shall be added which provides as follows:

Section 21. Reinstatement.

The Board of Supervisors may, in its sole discretion, approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this Ordinance have been met.

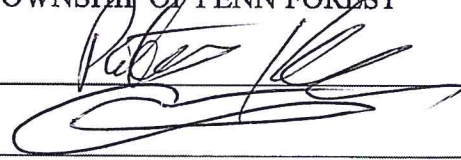
28. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

29. Ordinance No. 2021-2 is amended in no other way.

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

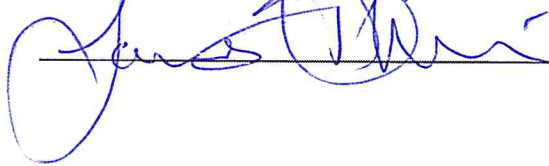
ENACTED AND ORDAINED this 5th day of December, 2022, by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF PENN FOREST









ATTEST:



Township Secretary