

**BLOOMING GROVE TOWNSHIP
PIKE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 72-2021

AN ORDINANCE REGULATING SHORT-TERM RENTALS IN THE TOWNSHIP AND
ESTABLISHING PENALTIES FOR VIOLATIONS.

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BE IT ENACTED AND ORDAINED,

The Township of Booming Grove, Pike County, under the authority granted by Section 1506 - General Powers Section 1517-Building and Housing Regulations Section 1527- Public Safety and Section 1529- Nuisances, of the Second-Class Township Code; and it is hereby enacted and ordained by the authority of the same that Blooming Grove Township Ordinance No. _____-2021 is hereby enacted and ordained as follows:

SECTION 1- SHORT TITLE

This Ordinance shall be known and may be cited as THE SHORT-TERM RENTAL ORDINANCE OF BLOOMING GROVE TOWNSHIP.

SECTION 2 - FINDINGS AND PURPOSE

The Board of Supervisors of Blooming Grove Township, Pike County, Pennsylvania, is charged with the duty to protect and provide for the health, safety, and general welfare of the citizens of Blooming Grove Township. The Board finds and declares as follows:

- A Short-term rental of dwellings have become a significant segment of the local tourism economy.
- B. Short-term rentals provide a community benefit by expanding the number of and type of lodging

facilities available and assist owners of short-term rental by providing revenue which may be used for maintenance, upgrades, and deferred costs.

C. While most of these units operate without a problem, there have been numerous complaints to the Township regarding excessive noise, parking, litter, and concerns regarding septic capabilities, security, public safety, and trespass.

D. The transitory nature of occupants of short-term rentals makes enforcement against the occupants difficult.

E. The provisions of this ordinance are necessary to prevent the continued burden on Township and community services and impacts on residential neighborhoods posed by short-term rentals.

F. Compliance with the provisions of this ordinance will maintain the rural and recreational character of the Township that attracts residents, homeowners, and visitors.

SECTION 3 -APPLICABILITY; RESPONSIBILITY

Applicability- This Ordinance shall apply to all short-term rentals as defined in Section 5 and all provisions of this ordinance shall apply in addition to all other applicable requirements of Township ordinances.

Responsibility - The owner of the short-term rental is responsible for compliance with the provisions of this Ordinance and the failure of an agent, managing agency, or local contact person to comply with this ordinance, including the monitoring and control of the number of occupants and visitors, shall be deemed noncompliance by the owner.

SECTION 4 - NUISANCE DECLARED

In the interest of protecting and promoting the public health, safety, and welfare, and minimizing the burden on Township and community services and impacts on residential neighborhoods posed by short-term rentals, the violation of any of the provisions of this ordinance is declared to be a public nuisance.

SECTION 5 – DEFINITIONS

Bedroom: A room containing a minimum of eighty (80) square feet that is used as a sleeping room and for no other primary purpose and containing an outside window or door for egress. 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.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

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.

Owner: The person or entity that holds legal or equitable title to the private property.

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

lodging.

Short-Term Rental: Any dwelling unit within a residential dwelling structure rented for overnight lodging for a period of not less than two (2) days and not more than thirty (30) days.

SECTION 6 • SHORT-TERM RENTAL PERMIT REQUIREMENTS

The owner shall be responsible for obtaining all permits and permit renewals.

Permit Required - A short-term rental permit shall be required when any dwelling unit in a single-family dwelling or a two-family/multi-family dwelling is advertised for rent or is rented for a period of thirty (30) consecutive calendar days or less.

Permit Renewal-A permit shall be renewed annually and at any time when any of the conditions of the rental which are governed by this ordinance are changed.

Separate Permits - A separate permit is required for each short-term rental; for two-family or multi-family dwellings, a separate permit shall be required for each dwelling unit being rented pursuant to the definition of "short-term rental."

Issuance to Owner - The permit shall be issued only to the owner of the short-term rental.

Forms and Procedures - The enforcement officer is authorized to prescribe forms and procedures for the processing of permits under this ordinance.

Inspection Authorization - The owner, by making application for a permit and/or accepting issuance of a permit grants permission for all inspections authorized by Section 12.

Permit Not Transferrable

1. The permit issued to an owner pursuant to this ordinance is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, by court order, or indirectly by death, the new owner may apply for a permit under the provisions of this ordinance prior to renting the property but shall be entitled to get a permit provided such owner complies with the terms of this ordinance.

2. If an owner has been convicted of a violation of this ordinance (hereinafter the "violating owner"), or if a violating owner's permit has been revoked by the township, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such owner's family members, then that new owner shall be subject to the violations and penalties and/or revocation imposed upon the violating owner.

Permit Copy to Pike County Treasurer

A copy of any permit and/or registration issued pursuant to this Section shall be furnished by the Zoning Officer to the Treasurer of Pike County.

The permit holder and/or registrant shall collect and remit to the Treasurer of the County of Pike, the transient occupancy tax for each rental unit pursuant to law.

The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide written notice to the Board of Directors of the homeowners' association if the subject property is within a subdivision governed by restrictive covenants which the homeowner's association has the power to enforce and submit proof of such notice to the Zoning Officer. In the event that the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's

objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association. If the homeowner's association fails to notify the Zoning Officer, in writing, of any objection(s) within 30 days of the association's receipt of the applicant's notice, the Zoning Officer may assume there are no objections and issue the permit.

Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any zoning permit by the Zoning Officer.

SECTION 7 • LOCAL CONTACT PERSON

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 by the enforcement officer or other Township official of the existence of a violation of this ordinance or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation.

SECTION 8 -APPLICATION FOR SHORT-TERM RENTAL PERMIT

Application Required; Information - An application for a permit shall be filed with the designated township official before use of the property as a short-term rental. The application shall contain the following information:

1. The name, address, telephone number and email address of the owner of the short-term rental for which the permit is issued. If the owner does not have a managing agency, agent, or local contact person, then owner shall provide a 24-hour telephone number.
2. The name, address, and 24-hour telephone number of the short-term rental owner's managing agency, agent, or local contact person.
3. A photograph of the short-term rental taken from the access roadside.
4. The marketing entity identification number for the short-term rental.
5. Acknowledgment that all designated bedrooms contain a minimum of eighty (80) square feet.
6. The number of bedrooms [each containing the required minimum of eighty (80) square feet] and the maximum number of overnight occupants.
7. If the building is a Two-Family/Multi-Family Dwelling structure, the number of dwelling units and the number of dwelling units being used as a vacation rental.
8. A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
9. Acknowledgment that the owner, agent, and/or local contact person have read all regulations pertaining to the operation of the short-term rental
10. Acknowledgment that the owner, agent, or local contact person will post and maintain the short-term rental with the notice required in Section 10.A.15.

11. Acknowledgment that the owner, agent, or local contact person will post and maintain:
12. The 911 emergency address sign in accord with applicable requirements; and, the short-term identification window cling provided by the Township. The window cling shall be posted on a window clearly visible from the access roadside of the short-term rental.
13. A copy of a current Pike County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License.
14. Other information the enforcement officer deems reasonably necessary to administer this ordinance.

B. Inspection Fee - If the information supplied by the property owner on the application for a short-term rental permit is not consistent with Township records, an inspection can be required prior to or after the issuance of the short-term rental permit. An inspection fee established by Resolution of the Board of Supervisors shall be charged for any inspection.

SECTION 9 • APPLICATION AND RENEWAL FEES

Application Fee - An application for a short-term rental permit shall be accompanied by an initial fee established by Resolution of the Board of Supervisors.

Renewal Fee - An annual renewal fee shall be established by Resolution of the Board of Supervisors which permit holders shall pay when renewing their permit issued pursuant to this ordinance. Failure to pay the renewal fee by February 15th will result in the assessment of a fee twice the amount of the normal renewal fee. If the fee is not paid by May 1st the permit shall be null and void and application for a new permit, not a renewal, shall be required.

SECTION 10 - OPERATIONAL STANDARDS AND CONDITIONS

Standards -All permits issued pursuant to this ordinance are subject to the following standards:

1. The owner shall by written agreement, 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.
2. The maximum number of day guests allowed at any one (1) time shall be seventy-five (75) percent of the maximum occupancy of the short-term rental.
3. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling on the sewage permit issued for such property.
4. Where there is no sewage permit on record, the short-term rental for such a dwelling shall be limited to the number of bedrooms that have been historically maintained in the dwelling based on documentation provided by the owner and which is acceptable to the Township. In addition, the owner shall execute with the Township the Short-Term Dwelling Rental Agreement for Dwellings with Preexisting Sewage Systems provided by the Township. Should the Township determine that the evidence provided is not adequate to document the proposed number of bedrooms, the number of bedrooms shall be limited to three (3).
5. In no instance shall the existing number of bedrooms be increased without proper Township and DEP approval being obtained.
6. If a sewage system malfunction occurs, rental of the unit shall be discontinued until the malfunction is corrected in accord with Township and PA Department of Environmental Protection requirements.
7. The short-term rental shall also have at least one (1) other habitable room containing a minimum of one

hundred twenty (120) square feet.

8. 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.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. If the short-term rental is accessed directly by a Township or State road, all parking spaces shall be accessed from the driveway serving the short-term rental and not directly from the Township or State road.
9. 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 violate provisions of this ordinance or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding when notified those occupants are violating laws regarding their occupancy.

It is not intended that the owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm's way.
10. 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 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 of guests.
11. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
12. Occupancy of recreational vehicles, camper trailers and tents shall not be allowed. Children under the age of thirteen (13) are allowed to "camp out" in a tent on the premises.
13. The use of open fires, fire pits, charcoal-burning grills, or other devices (as applicable) shall be the responsibility of the owner or Local Contact and shall comply with the Palmyra Township Burning Ordinance (Ordinance 115 - 2012). All open fires shall be extinguished by midnight.
14. The owner of the short-term rental shall post a copy of the permit and a copy of the conditions set forth in this Section 10 in a conspicuous place within the short-term rental.
15. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. 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.
 - b. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests

permitted at any one (1) time.

- c. 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.
- d. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
- e. The trash pick-up day and notification that trash 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 trash pickup to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants.
- f. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this ordinance; and
- g. 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.

The occupants of a short-term rental shall make the notice required by this paragraph available for inspection by the enforcement officer upon request.

16. All residential short-term rentals shall comply with the following standard: It is unlawful for any person to disturb the peace of any neighborhood, person, or family maliciously and willfully by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.

B. Additional Standards – The Board of Supervisors, at a duly convened meeting, shall have the authority to impose additional standards applicable to short term rentals if necessary to achieve the objectives of this ordinance.

C. Permit Conditions - The enforcement officer shall have the authority to impose additional 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.

SECTION 11 • ENFORCEMENT OFFICER(S)

- A. The Board of Supervisors may appoint one (1) or more enforcement officers, including the Township Zoning Officer, who may be an individual, firm or agency of Blooming Grove Township, a Pennsylvania State Constable, contracted security firm to conduct inspections, make reports, issue violation notices and administer other parts of this ordinance as determined by the Board of Supervisors.
- B. The Township Zoning Officer, with the authorization of the Board of Supervisors 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 Zoning Officer may enter 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 violation, including an inspection of the interior of the building or structure based on the nature of the complaint or allegation concerning same. 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 minimum 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 12 - INSPECTIONS AND ACCESS

Inspection - All places and premises in Blooming Grove Township shall be subject to inspection by the enforcement officer to verify application, permit or operating requirements or if there is reason to believe that any provision of this ordinance is being violated.

Interference- Provided the short-term rental unit is accessed in accord 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 any place or premises upon which a violation of this ordinance is believed to exist.

SECTION 13 - MARKETING

The marketing of a short-term rental which 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 subject to the penalties and costs of Section 16. The owner or local contact person shall provide to the enforcement officer a copy of all advertisements relating to the short-term rental.

SECTION 13 - ACTION ON COMPLAINTS

A. Violation in Progress - Upon receipt of a verbal complaint of a violation in progress and if the complainant's name and address is provided, the enforcement officer shall immediately notify the owner and/or the local contact person of the complaint. If the enforcement officer believes a crime to be in progress, he/she shall immediately notify the appropriate police department. The enforcement officer shall have no obligation to respond to any alleged criminal violation in progress at the property in question other than notification of the police. If a police officer is called to the property to address possible criminal activity, then the Township may proceed with an action on a violation if the police officer in question confirms that a violation of this ordinance has occurred or provides information to the enforcement officer establishing that a violation has occurred.

B. Violation Preceding Complaint Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the enforcement officer shall not be obligated to proceed with any action to determine if a violation of this ordinance exists unless such complaint is made in writing, and it includes the name and address of the person registering the complaint.

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

SECTION 14 - NOTICE TO VIOLATORS

Service of Notice - Whenever the enforcement officer, determines that a violation of this ordinance exists, the enforcement officer shall prepare a written Notice of Violation, to be served on the owner and/or occupant(s) of the premises on which the violation is located or originates. The written Notice of Violation shall be served on the owner and local contact person 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 Ordinance 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. The Notice shall also state that the Township will impose a fine of \$600 for a civil violation or \$1,000 for a criminal violation as set forth in Section 15 below in the event the violation is not corrected within the stated time frame.

Repeat Violators - If an owner commits the same or a similar violation within one (1) year of receiving a Notice of Violation as set forth in this Section 15, no additional notice shall be required to be served on that owner prior to initiating enforcement action in accord with this Section 15.

SECTION 15 -VIOLATIONS, PENALTIES AND COSTS

(1) Civil enforcement.— when the penalty imposed for the violation of an ordinance enacted pursuant to the provisions of this Ordinance is not voluntarily paid to the township, the township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. The prescribed civil penalties shall not exceed six hundred dollars (\$ 600) per violation. In any case where a penalty for a violation of a township ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the township in the enforcement proceedings. The additional daily penalty of \$50 per day shall commence on the day the Township files its civil complaint with the District Magistrate. The township shall be exempt from the payment of costs in any civil case brought to enforce an ordinance in accordance with this paragraph.

(2) Enforcement as summary offenses.— the board of supervisors may bring an action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases). The board of supervisors may prescribe criminal fines not to exceed one thousand dollars (\$ 1,000) per violation and may prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

(3) Joint and several liability - 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 Ordinance..

Compliance - 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 permit.

Other Remedies - In addition to or in lieu of civil actions before a district justice, the Blooming Grove Township Board of Supervisors may enforce ordinances in a civil action before the Court of Common Pleas. The Township shall also have the right to seek Injunctive Relief for violations of this ordinance.

Permit Revocation - If an owner commits a violation which results in a conviction, then the permit shall be revoked by the Township and the short-term rental must be discontinued while the permit is revoked. The revocation shall be for one (1) year. The conviction for a second violation shall be cause for permanent revocation of the permit. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate permit revocation until the violation is corrected. (See also Section 6H2 for permit transfers.)

Reinstatement - The Board of Supervisors may in its sole discretion approve the reinstatement of a permit, 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.

SECTION 16 – SEVERABILITY

Should any section, subsection, clause, provision or other portion of this ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance; the Board of Supervisors having adopted this ordinance as if such invalid portions had not been included therein.

Blooming Grove Township Ordinance No. ____ - 2021 (The Short-Term Rental Ordinance of Blooming Grove Township) and all other Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 17 - EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Board of Supervisors of Blooming Grove Township, Pike County, Pennsylvania, this _____ day of _____ 2021.

Nicholas Mazza, Chairman

Tammy Gillette, Vice-Chairman

Tim Morey, Supervisor

ATTEST:

Jo-Anna Donahue, Secretary-Treasurer