

**NEWBERRY TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK COUNTY,  
PENNSYLVANIA, TO REGULATE SHORT-TERM RENTALS WITHING  
THE TOWNSHIP**

**WHEREAS**, Newberry Township, York County, Pennsylvania (the “**Township**”) is a second class township and municipal corporation organized under the Pennsylvania Second Class Township Code; and

**WHEREAS**, the Township has codified its Ordinances in the Newberry Township, York County, Pennsylvania Code of Ordinances (the “**Code**”); and

**WHEREAS**, the Board of Supervisors of the Township (the “**Board**”) recognizes the changing nature of commerce and the expansion of the nature and types of rental and revenue opportunities of the residents of the Township, and determines the existence and strict regulation of short-term rentals to be in the best interests of health, safety, and welfare of its residents and the general public; and

**WHEREAS**, the purpose and intent of this Ordinance is to provide for a framework and regulations for short-term housing within the Township; and

**WHEREAS**, the Board desires to add a new Chapter 320, Short-Term Rentals, to the Code:

**NOW, THEREFORE**, be it ordained and enacted and it is hereby ordained and enacted as follows:

**SECTION 1.** The Code shall be amended by adding a new Chapter 320, titled “Short-Term Rentals”.

**SECTION 2.** The Code shall be amended by adding a new §320-1, titled “Short title”, as follows:

**§320-1 Short title.**

This chapter shall be known as, and may be cited as, Short-Term Rentals.

**SECTION 3.** The Code shall be amended by adding a new ~~§355~~§320-2, titled “Scope”, as follows:

**§320-2 Scope.**

The provisions of this chapter shall apply to all dwellings, including conversions of nonresidential structures to residential dwellings, existing at the effective date of this ordinance and chapter, or constructed or converted thereafter, within the Newberry 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.

**SECTION 4.** The Code shall be amended by adding a new §320-3, titled “Interpretation”, as follows:

**§320-3 Interpretation.**

This chapter is not intended to, and does not, excuse any landowner from compliance with the Newberry Township Zoning Ordinance, Chapter 380 of this Code, as amended from time to time. Whenever possible, this chapter and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.

**SECTION 5.** The Code shall be amended by adding a new §320-4, titled “Definitions”, as follows:

**§320-4 Definitions.**

**A. Compatibility with zoning ordinance.**

Words, phrases, and terms used in this chapter which are not otherwise defined in this chapter shall have the same meaning as those words, phrases, and terms in Chapter 380, “Zoning”, of this Code.

**B. Definitions.**

**BEDROOM**

A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. Reference Chapter 73 of the DEP regulations, which allows for a peak daily flow based for residential homes on the number of bedrooms. For example, a three-bedroom home would require a system designed for 400 gallons per/day, a four-bedroom home would require a system designed for 500 gallons/day.

**BOARD; BOARD OF SUPERVISORS; SUPERVISORS**

The Board of Supervisors of Newberry Township, York County, Pennsylvania.

**CODE; TOWNSHIP CODE**

The Code of Ordinances of Newberry Township, York County, Pennsylvania.

**DAY GUEST**

A guest who is not registered with the owner as an overnight occupant.

**ENFORCEMENT OFFICERS**

Any and all persons or entities authorized or appointed by the Board to enforce the terms of this chapter.

**OWNER**

Each and every natural person, corporation, partnership, association, or other entity who or which has any ownership interest, whether legal or equitable, no matter in what percentage or share, in any property regulated by this chapter.

**PUMPER/HAULER**

A person who is the business of pumping/cleaning on-lot sewage disposal systems and transporting the septage removed from those systems.

**SHORT-TERM RENTAL**

A dwelling that is leased for overnight accommodation for a period of thirty (30) days or less, provide, however, that dwelling leased for less than fourteen (14) consecutive days, no more than four (4) times in a calendar year, shall not be subject to this chapter. For purposes of this chapter, short-term rentals shall be considered dwellings, and shall not be considered an exception similar to those set out in Chapter 380, §380-14, "Dwelling".

**SHORT-TERM RENTAL LICENSE**

A license granted by the Township permitting a dwelling unit to be utilized for short-term rental use.

**TOWNSHIP**

Newberry Township, York County, Pennsylvania.

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**SECTION 6.** The Code shall be amended by adding a new §320-5, titled “License required”, as follows:

**§320-5 License required.**

No owner of any property in the Township shall operate a short-term rental in the Township without first obtaining a short-term rental license from the Enforcement Officer. Operation of a short-term rental without such short-term rental license is a violation of this chapter.

**SECTION 7.** The Code shall be amended by adding a new §320-6, titled “License requirements”, as follows:

**§320-6 License requirements.**

A. Short-term rental licenses applications shall contain all of the following information:

- (1) 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 twenty-four-hour telephone number. If the owner uses a managing agency, agent, or local contact person, then that managing agency, agent, or local contact person shall have dated written authorization to accept service for the owner, and a copy of such authorization shall be provided to the Township within ten (10) business days of the signing of such authorization.
- (2) The name, address, and twenty-four-hour telephone number of the managing agency, agent, or local contact person.
- (3) Floor plans for the short-term rental unit, including total habitable floor space ~~and total number of bedrooms,~~ total number of bedrooms and total number of occupants permitted. The floor plan shall also contain an emergency evacuation route and the locations of all smoke detectors, carbon monoxide detectors and fire extinguishers.
- (4) If the building is a multifamily dwelling, the total number of dwelling units in the structure and the number of dwelling units being used as short-term rentals.
- (5) A site plan showing the location and number of on-site parking spaces.
- (6) If the property utilizes an on-site septic or sewage disposal system, The location, approximate age, and capacity of the septic sewage disposal system. The owner of such property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least

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three years prior to the date of the application for a short-term rental license, or a renewal thereof, for review and approval by the Sewage Enforcement Officer.

- (7) Copies of current York County hotel room excise tax certificate and current Pennsylvania sales and use tax license. If owner solely uses a listing service such as AirBnB and the listing service holds the certificate and license on behalf of Owner, then proof must be provided.
- (8) Signatures of all owners and the local managing agent or local contact person.
- (9) Trespass waiver, signed by all owners, allowing access to the property for the Enforcement Officers for the purpose of inspection to verify compliance with this chapter.
- (10) Copy of the current recorded deed for the property establishing ownership.
- (11) Declaration page of a paid up, current insurance policy in effect with respect to the property evidencing at least \$500,000 in liability insurance covering short-term rentals for the full duration of their license term.
- (12) Copies of receipts for all current real estate or personal property taxes levied on or against the property, showing payment in full of all such current taxes.

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**B.** A short-term rental license shall be issued only to the owner of the short-term rental property.

- (1) A separate short-term rental license is required for each dwelling unit; for two-family or multifamily dwellings, a separate short-term rental license shall be required for each dwelling unit being rented as a short-term rental.
- (2) A short-term rental license is effective for a period of one year, or until any of the conditions of the short-term rental which are governed by this chapter are changed, whichever shall first occur. A short-term license must be renewed annually, and also when any of the conditions of the short-term rental which are governed by this chapter are changed.
- (3) The Township will prescribe forms and procedures for the processing of permit applications under this chapter.

**SECTION 8.** The Code shall be amended by adding a new §320-7, titled “Short-term rental standards”, as follows:

§320-7 **Short-term rental standards.**

- A. Overnight occupancy of a short-term rental shall be limited to no more than two (2) persons per bedroom plus four additional persons per dwelling unit, and the maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be ~~fifty percent (50%)~~ seventy-five (75%) of the maximum overnight occupancy of the short-term rental.
- ~~B. 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 Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. Any short term rental advertising more than five bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a sewage disposal system permit previously issued by a Sewage Enforcement Officer. If a sewage disposal 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.~~  
Individual rooms in a structure shall not be offered for rent as a short-term rental to different tenants unless it is owner occupied. If owner occupied and rooms are rented, rentals are limited to number of guests per bedroom as listed on the license.
- ~~C. The owner, or their a managing agency or agent, shall obtain the names of all persons who will stay overnight at the shot term rental. Only those named persons shall be permitted to stay overnight. The list may be updated at any point, so long as the number of people staying overnight do not exceed the number permitted in subsections A. and B. of this section.~~
- ~~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 or on any lawns or vegetated areas. No yard parking shall be permitted.~~
- ED.** 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, the use of fireworks, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight or fighting, creating a dangerous or physically offensive condition, or entering onto the property of another not the owner of the short-term rental property.
- F-E.** 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 Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding short-term rentals, and promptly responding to

complaints or notification that occupants are violating laws, ordinances, or regulations regarding their occupancy.

**G.F.** 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 Code 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.

**H.G.** Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the short-term rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the short-term rental is prohibited.

**I.** All short-term rental owners, managers, agents or agencies shall supply each occupant with a packet of Township requirements, as well as have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:

- (1) The name of the owner of the dwelling unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the dwelling unit, and a telephone number at which that party can be reached on a twenty-four-hour basis.
- (2) The Emergency 911 address of the property.
- (3) The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
- (4) The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property ~~and not in or along any private, community, or public street right of way, or on any lawn or vegetated area on the property. No yard parking shall be permitted.~~
- (5) The trash disposal method, including contact information, pick up times and notification prominently displayed on the property in the area of storage of the trash bins and in the dwelling ~~that trash and refuse shall not be left or stored on the exterior of the property except in watertight metal or plastic trash containers, and shall not be placed at the curb or other pick up site from 6:00 p.m. on the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick up.~~
- (6) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Township Code, including parking and occupancy limits.

~~(7) Notification that short-term rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.~~

**J. All short-term rental dwelling units shall be equipped as follows:**

~~(1) Smoke alarms shall be installed in the following locations: All occupied rooms offered for rent shall have one (1) working smoke detector and (1) working carbon monoxide detector.~~

~~(a) In each sleeping room.~~

~~(b) Outside each separate sleeping area in the immediate vicinity of the bedrooms.~~

~~(c) On each additional story of the dwelling, including basements (2) A working and habitable attics.~~

~~(d) Smoke alarms shall be installed not less than three feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower.~~

~~(2) Carbon monoxide alarms shall be installed in the following locations:~~

~~(a) In a dwelling unit that contains a fuel-fired appliance.~~

~~(b) In a dwelling unit that has an attached garage with an opening that opens into the dwelling unit.~~

~~(3) Smoke alarms shall be listed in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.~~

~~(4) Smoke alarms and carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.~~

~~(5) Combination smoke and carbon monoxide detectors shall be permitted to be installed in fire alarm systems in lieu of smoke detectors, provided that they are listed in accordance with UL 268 and UL 2075.~~

~~(6) All the above alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.~~



~~(7) Ground fault receptacles shall be installed or provided in the following locations:~~

- ~~(a) In bathrooms.~~
- ~~(b) Exterior receptacles.~~
- ~~(c) Garage and accessory building receptacles.~~
- ~~(d) Unfinished basements.~~
- ~~(e) Crawl spaces.~~
- ~~(f) All receptacles that service a kitchen countertop.~~
- ~~(g) All receptacles located within six feet from a sink.~~
- ~~(h) Laundry rooms.~~

~~(8) A minimum 3A 30BC regularly maintained fire extinguisher must be installed in a conspicuous location, hung at 46 inches above the on each floor to the top of the handle. The fire extinguisher must be tagged with a current inspection date from a fire extinguisher inspection company. Fire location of the fire extinguishers must be inspected by that company yearly, shall be shown on the emergency evacuation route.~~

~~(9) Where space for a clothes dryer is provided, an exhaust duct system shall be installed. Dryer duct shall be installed and the exhaust duct shall follow the following requirements:~~

- ~~(a) Exhaust ducts shall have a smooth interior finish and be constructed of metal having a minimum thickness of 0.0157 inches (No. 28 gauge). The duct shall be four inches nominal in diameter.~~
- ~~(b) Exhaust ducts shall be supported at intervals not to exceed six feet and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed with a listed tape and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch into the inside of the duct.~~
- ~~(c) Transition ducts used to connect the dryer to the exhaust duct system shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be not greater than eight feet in length. Transition ducts shall not be concealed within construction.~~

~~(d) Maximum duct length shall follow the manufacturer's requirements. When the manufacturer's requirements are not known, the maximum duct length shall be 35 feet. Elbows shall be considered a five foot duct length. A 45° elbow shall be considered a two-foot, six-inch duct length.~~

~~(10) Interior and exterior stairs. All stairs shall meet the following requirements:~~

~~(a) Stairs shall be free from any defects and structurally sound.~~

~~(b) Every exterior and interior flight of stairs having four or more risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below shall have guards. Handrails shall be not less than 34 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 36 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

**SECTION 9.** The Code shall be amended by adding a new §320-8, titled “Fees, term, and renewal”, as follows:

**§320-8 Fees, term, and renewal.**

- A.** Short-term rental license fees, payable to the Township upon the filing of a short-term rental license application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- B.** Any short-term rental license is good for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short-term rental license renewal fees, payable to the Township upon the filing of a short-term rental license renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- C.** Short-term rental license renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this chapter.
- D.** Verification that all owed hotel and sales taxes have been paid shall be made before a short-term rental license renewal application is granted.
- E.** All initial short-term rental licenses, as well as all short-term rental license renewals, shall require inspections as set forth in §320-10, below.

**SECTION 10.** The Code shall be amended by adding a new §320-9, titled “Enforcement officer”, as follows:

**§320-9 Enforcement officer.**

The Enforcement Officer shall be the Zoning Officer, as well as any Assistant Zoning Officer, Building Code Inspector and Sewage Enforcement Officer appointed by the Board of Supervisors from time to time, or such other person or entity who or which may be appointed by the Board of Supervisors. The Enforcement Officer shall have the responsibility and authority to administer and enforce all provisions of this chapter.

**SECTION 11.** The Code shall be amended by adding a new §320-10, titled “Inspections required”, as follows:

**§320-10 Inspections required.**

- A.** All short-term rentals shall be subject to inspections by the Enforcement Officer to verify application information, license, license renewal, and/or operating requirements.
- B.** The issuance of a short-term rental license is not a warranty or guarantee that the premises are lawful, safe, habitable, or in compliance with this chapter.
- C.** If there is reason to believe that any provision of this chapter is being violated, the Enforcement Officer may enter onto premises for the purpose of inspecting the premises, as well as any and all buildings and/or structures located thereon, to ascertain the existence of violations. In those matters where the nature of an 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 owner's agent to secure access thereto.

**SECTION 12.** The Code shall be amended by adding a new §320-11, titled “Marketing”, as follows:

**§320-11 Marketing.**

- A.** The marketing of a short-term rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this chapter, or which promotes any other activity which is prohibited by this chapter, shall be a violation of this chapter.
- B.** Signs advertising the short-term rental or the short-term rental property shall comply with chapter 380 of this Code, the Township’s Zoning Ordinance, and such other provisions of the Township’s Code as may apply.

**SECTION 13.** The Code shall be amended by adding a new §320-12, titled “Notice of violation”, as follows:

**§320-12 Notice of violation.**

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 of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this chapter or chapter 380, Zoning, which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Enforcement Officer based upon the nature of the violation) to correct the violation. ~~The Pennsylvania State Police (PSP) will also be notified of these violations and locations.~~ Any notice of violation of chapter 380 of this Code shall comply with the requirements for enforcement notices as set out in chapter 380.

**SECTION 14.** The Code shall be amended by adding a new §320-13, titled “Nuisance”, as follows:

**§320-13 Nuisance.**

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

**SECTION 15.** The Code shall be amended by adding a new §320-14, titled “Violations and penalties”, as follows:

**§320-14 Violations and penalties.**

**A.** 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 \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred 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 compliance with this chapter. All

finest, penalties, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid to the Township for its general use.

- B.** To the extent that a violation constitutes a violation of chapter 380, Zoning, then the Enforcement Officer may, at their discretion, also file an action for violation following the procedures for enforcement set out in chapter 380 of this Code.
- C.** In addition to, but not in limitation of, the provisions of Subsection A and § 320-13, the Enforcement Officer may either revoke, or deny an application to renew, a short-term rental license for any uncured or repeated violations of this chapter during any twelve-month license term. The revocation or denial to renew a short-term rental license shall continue for one year for any uncured or repeated violations.
- D.** Nothing in this chapter shall prevent the Township from pursuing any and all other actions to enforce this chapter, or to enjoin conduct or actions in violation of this chapter, whether in law or in equity.

**SECTION 16.** The Code shall be amended by adding a new §320-15, titled "Owners severally responsible", as follows:

**§320-15 Owners severally responsible.**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution or enforcement for a violation of this chapter or chapter 380 of this Code.

**SECTION 17.** The Code shall be amended by adding a new §320-16, titled "Appeals from license denial or revocation", as follows:

**§320-16 Appeals from license denial or revocation.**

- A.** Appeals of a determination of the Enforcement 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 within thirty (30) days of the date of the denial of the application or revocation of permit. Appeals shall be processed as follows:
  - (1)** All appeals shall be in writing and signed by at least one (1) of the owners of the property 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. The appealing party shall be known as the appellant.

- (2) 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 provisions provided for the denial or revocation, and address in summary form the basis for the appeal and the circumstances of the case.

#### **B. Hearings.**

The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law", 2 Pa.C.S.A. §551 et seq., and in accordance with the following requirements:

- (1) Written notice shall be given to the appellant, the Enforcement Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the hearing.
- (2) The first hearing shall be held within sixty (60) days from the date the appeal is filed, unless the appellant has agreed in writing to an extension of time. Any additional hearings shall be held within forty-five (45) days of the previous hearing.
- (3) 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 or hearings, 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 written appearance and requested a copy of the decisions, at the addresses provided by them, either by personal delivery or by United States First Class mail postage prepaid.
- (4) The Chair, Vice-Chair, or Acting Chair, of the Board of Supervisors, or the hearing officer presiding, if one is so appointed by the Board, 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 requested by parties.
- (5) 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.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded, as determined in the sole discretion of the officer presiding over the hearing.

- (7) 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.
- (8) 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 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 representative unless all parties are given opportunity to be present.

**SECTION 18.** The Code shall be amended by adding a new §320-17, titled "Repealer", as follows:

**§320-17 Severability.**

In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 19. Effective Date.** This Ordinance shall become effective five days after its enactment as provided by law.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, ~~2023~~2024

**ATTEST:**

**NEWBERRY TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

