

**WASHINGTON TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-02

**AN ORDINANCE TO REGULATE SHORT-TERM RENTALS IN WASHINGTON
TOWNSHIP, YORK COUNTY, PENNSYLVANIA**

NOW, THEREFOR, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Washington Township, York County, Pennsylvania as follows:

Section 1. Short Title

AN ORDINANCE TO REGULATE SHORT TERM RENTALS WITHIN WASHINGTON
TOWNSHIP AND TO ESTABLISH PENALTIES FOR VIOLATIONS IF NEEDED

Section 2. Findings and Purpose

- A. Short term rentals of dwellings and other structures within Washington Township may become a significant segment of the local tourism economy.
- B. Short -term rentals provide a community benefit by expanding the lodging facilities available within the Township and assist owners by providing a revenue for them.
- C. An Ordinance to regulate short-term rentals is necessary to assure that all units meet fire and safety codes, including alarms for fire and carbon monoxide, and to assure the safety of all occupants.
- D. The provisions of this Ordinance are intended to assure all occupants that the short-tern rental units are safe to occupy, that the units comply with on-site sewage requirements, and to maintain the rural character and environment of the Township.

Section 3. Authority

The Second-Class Township Code authorizes the Board of Supervisors to make, amend and adopt Ordinances that are consistent with the Constitution and Laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens.

Section 4. Applicability

The provisions of this Ordinance shall apply to all short-term rentals which shall be defined as follows:

Any dwelling unit within a residential building, structure or dwelling which is rented overnight for a period of not less than one (1) day and not more than twenty-nine (29) days. The statutory meaning of this Ordinance is set forth hereinafter under “Definitions.”

Section 5. Definitions

The words and phrases used in this ordinance shall have the following meanings:

Bedroom: A room containing a minimum of eighty (80) square feet that is used primarily as a sleeping room and no other primary purpose.

Dwelling: A structure or portion thereof which is used primarily 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 the 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 dwelling.

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

Short-Term Rental: Any dwelling unit within a residential structure rented for overnight lodging for a period of not less than one (1) day and not more than twenty-nine (29) days.

Section 6: Short Term Rental Permit Requirements

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

Permits are required to have the owner’s name(s), Township or State roads used to access the proposed rental, postal address of the proposed short-term rental, the parcel ID tax number.

- A. Permit Required — A short-term rental permit shall be required when a 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 less than twenty-nine (29) consecutive calendar days.
- B. Permit Renewal — Short-term rental permits shall be renewed annually and at any time when any of the conditions of the rental which are governed by this Ordinance are changed.
- C. Separate Permits — A separate permit is required for each short-term rental; for two-family or family dwellings, a separate permit shall be required for each dwelling unit being rented pursuant to the definition of short-term rental.
- D. Issuance to Owner — The permit shall be issued only to the owner of the short-term rental.
- E. Forms and Procedures — The Zoning Officer is authorized to prescribe forms and procedures for the processing of permits under this Ordinance.
- F. Inspection Authorization — The owner, by making an application for a permit and/or accepting issuance of a permit grants permission for all inspections authorized by this Ordinance.
- G. A yearly on-site septic inspection and building inspection with proof is required, at owner's cost.
- H. 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, or indirectly by death, change in ownership of the entity owning the property sheriff sale or court order, the new owner must successfully apply for a new permit under the provisions of this ordinance, as amended, prior to continuance of the use.

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."

Section 7: Local Contact Person

Each owner of a Short-term Rental shall designate a local person, property manager or agent of the owner, as a local contact person who is available to respond to tenant and neighborhood questions or concerns and is authorized by the owner to take remedial action and respond to any violation of this ordinance, within an hour of being notified by the enforcement officer or other Township official. If the local contact person

is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. The Township must be notified if there is a change in the identity of the local contact person within five (5) days.

Section 8: Application for Short-Term Rental Permit

Application Required Information - An application for a Permit shall be filed with the Township Zoning Officer before use of the property as a Short-term Rental. The application shall contain the following information:

- A. 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 the owner shall provide a 24-hour telephone number.
- B. The name, address and 24-hour telephone number of the short-term rental owner's managing agency, agent, or local person.
- C. A photograph of the short-term rental taken from the primary entrance.
- D. Acknowledgement that all designated bedrooms contain a minimum of eighty (80) square feet.
- E. The total number of bedrooms each containing the required minimum of eighty (80) square feet and the maximum number of overnight occupants.
- F. If the building is more than a single-family structure, the number of dwelling units and the number of dwelling units being used as a vacation rental.
- G. The number of on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- H. The location, approximate age, and test capacity (if known) of the sewage disposal system. If the system passed within the last year no new test is required.
- I. Acknowledgment that the owner, agent, and/or local contact person have read all regulations pertaining to the operation of the short-term rental.
- J. Acknowledgment that the owner, agent, or local contact person will post and maintain local emergency numbers.
- K. Other information the Zoning Officer deems necessary to administer this Ordinance.

Section 9: Application and Renewal Fees

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

- B. Renewal Fee for an annual renewal, shall be established by Resolution of the Board of Supervisors which permit holders shall pay when renewing their permit issued pursuant to this Ordinance. Renewal permits must be paid for by January 15th of each year. Failure to pay the renewal fee by February 1st will result in the assessment of a fee twice the amount of the normal fee. If the fee is not paid by March 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:

- A. 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.
- B. The maximum number of day guests allowed at any one (1) time shall be fifty (50%) percent of the maximum 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 on the sewage permit issued for such property, and Sewage Enforcement Officer may require any additional testing as determined by himself/herself to insure the on-site system is adequate for the use as a short-term rental and complies with any applicable PA DEP sewage regulations.
- D. 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 as bedrooms in the documentation provided by the owner and which is verified 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) and a dye test may be required by the Township Sewage Enforcement Office to confirm that the on-site system is functioning in accordance with applicable regulations.
- E. In no instance shall the existing number of bedrooms be increased without proper Township and DEP approval being obtained.
- F. If a sewage system malfunction occurs, rental of the unit shall be discontinued until the malfunction is corrected in accordance with Township and PA Department of Environmental Protection requirements.
- G. The short-term rental shall also have at least one (1) other habitable room containing a minimum of one hundred twenty (120) square feet. In the event that the dwelling unit does not have

partitioned rooms, other than a bathroom, then the dwelling unit shall be deemed as one (1) bedroom unit confined to two (2) persons occupancy.

- H. The owner shall by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the permit with the number of all vehicles not to exceed the number of designated on-site parking spaces.
 - 1. All parking for overnight guests and day guests shall be designated in the permit and shall be located on the owner's property and not in any private, community or public right of way.
 - 2. A minimum of one (1) parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
 - 3. All parking spaces shall be improved to a mud-free condition with paving, stone, or similar material.
 - 4. Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate and use of the spaces.
 - 5. 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.
- I. 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 that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person function as an enforcement officer or place himself or herself in harm's way.
- J. 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 Ordinance or state law pertaining to noise, or disorderly conduct or promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- K. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
- L. Occupancy of recreational vehicles, camper trailers and tents shall not be allowed.
- M. 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.

- N. 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.
- O. 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:
 - 1. 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.
 - 2. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests permitted at any one (1) time.
 - 3. The maximum number of all vehicles allowed to be parked on the property and the requirement that all rent/guests parking must be on the property and not on or in any private, community public right-of-way.
 - 4. The number and location of on-site parking spaces and the parking rules for seasonal snow removal.
 - 5. The trash pick-up day and notification that trash and refuse shall not be let or stored on the day designated for trash pick-up unless in a container designated for trash pick-up.
 - 6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance; and,
 - 7. 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.

Section 11: Enforcement Officers

- A. Appointment — The Board of Supervisors may appoint one (1) or more enforcement officers, which may be an individual, firm, or agency of Washington Township, or enter into a third-party contract to conduct inspections, make reports, and administer other parts of this Ordinance as determined by the Board of Supervisors.
- B. Duties — The administrative, inspection and enforcement responsibilities established by this Ordinance may be delegated to a third-party agency.
- C. Consultation — The enforcement officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

Section 12: Inspections and Access

- A. Inspection – All places and premises in Washington Township shall be subject to inspection by the enforcement officer to verify application, permit or operating requirements or if there is reason that any provision of this Ordinance is being violated.
- B. It shall be unlawful for any person to hinder, delay, resist or prevent the 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 in violation of this Ordinance is subject to the penalties and costs set forth in this Ordinance. The owner and/or local contact person shall provide the enforcement officer with a copy of all advertisements relating to the short-term rental.

Section 14: Action on Complaints

Violation in Progress – Upon receipt of a verbal complaint of a violation in progress, 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 violation in progress at the property in question.

Section 15: Notice to Violators

- A. 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 nuisance is located or originates. Written Notice of violation shall be served on the owner and local contact person within five (5) days of the determination of the violation by one (1) or more of the following methods.
 - 1. Personal delivery
 - 2. Fixing a copy to the door of the building on the premises of the violation.
 - 3. Certified mail to the owner/local contact person addresses on the permit.
- B. Content of Notice

1. The Notice shall enumerate the conditions which constitute the violation and what action is to abate the violation.
2. The Notice shall include a time frame for the abatement of the nuisance, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action but not more than ten (10) days. In the case of an advertising violation the time period shall not exceed five (5) days. In the case of a public disturbance or in other cases as determined by the enforcement officer, immediate action shall be required.

Section 16: Violations, Penalties and Costs

Compliance – Failure to comply with any provision of this Ordinance, and/or failure to abate an activity, use and/or condition, shall be deemed a violation of this Ordinance and subject to the penalties:

First Violation – Warning

- A. A written warning from the enforcement officer of non-compliance. The written warning shall specifically set forth the nature of the violation, with the location, date and events constituting a violation of the provisions of this Ordinance.

Subsequent Violations

- B. A written notification from the enforcement officer of a subsequent violation at the same location during the yearly permit period, shall constitute a violation which shall upon judgment thereof by any Magisterial district Judge be sentenced to pay a fine of not more than \$1,000.00 per day of violation, together with the costs of the suit including, but not limited to, reasonable attorney fees, constable fees and staff time. Each day or violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.
- C. Other Remedies – The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. The Township shall also have the right to seek injunctive Relief for violations of this Ordinance.
- D. License Revocation – If an owner commits two (2) violations which result in convictions under Section B as written above, then the license shall be revoked by the Township and the short-term rental must be discontinued while the license is revoked. The revocation shall be for one

year. The conviction for a third violation under Section B as written above 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.

- E. 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.

Section 17: Appeals

- A. Appeal Process – Appeals of a determination of the enforcement officer under this ordinance to deny any application, or to renew, a short-term rental license, or to revoke a short rental license, shall be filed with the Board of Supervisors within 30 days of the date of the denial of an application or revocation of a license. Appeals shall be processed as follows:
 - 1. 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 resolution of the Township Board of Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
 - 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 provision of circumstances of the case.
- B. Hearings — The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 3, 1968 (P.L. 1133, No. 353), known as the “Local Agency Law”, and in accord with the following requirements:
 - 1. Written notice shall be given to the appellant, the enforcement officer and to any person who has made a timely request for the same. Written notices shall be given at such time and in such manner shall be prescribed by rules of the Board of Supervisors, but not less than 15 days prior to the hearing.
 - 2. The hearing shall be held within 60 days from the date of the appeal unless the appellant has agreed in writing to an extension of time.
 - 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 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 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.

4. The chairperson or acting chairperson of the Board of Supervisors or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses, 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.
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 in the opportunity with any party or any party's representatives in connection with any issue involved except upon notice and opportunity all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other 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: Severability : Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court or 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.

Section 19: Repealer: All ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 20: Effective Date: This Ordinance shall become effective on the date of its enactment as provided by law.

ORDAINED AND ENACTED this 19 day of Aug, 2024.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

Diane J. Seardoff
Secretary

By: [Signature]
Chairman

APPLICATION FOR LICENSE TO OPERATE A SHORT-TERM RENTAL
UNIT IN WASHINGTON TOWNSHIP , YORK COUNTY PA.

To the Board of Supervisors of Washington Township:

The undersigned hereby makes application for the issuance of a license for a Short-Term Rental

The year January 1, _____, and ending December 31, _____ to maintain a SHORT-TERM RENTAL UNIT within the Township of Washington, York County, Pennsylvania, pursuant to the Washington Township Short-Term Rental Ordinance enacted the _____ day of _____, 2024. As per the ordinance, yearly proof of sewage inspection and building code inspections must be provided.

Name of Applicant: _____

Address of Applicant: _____

Applicant Phone Number: _____

Applicant email address: _____

Address of Short-Term Rental: _____

Tax Parcel# of Short-Term Rental: _____

Local Contact Person: _____

Local Contact Person Number: _____

Date of Sewage Inspection: _____

Date of Building Code Inspection: _____

Proof of Insurance _____

Application Fee and 1st year License \$1000.00 Paid on _____

License Fees are as follows: \$600.00 per year.

Paid on _____

I (We) hereby represent that the information provided herein, and documents submitted herewith, are true and correct and request that a Short-Term Rental Permit be issued. Further, I (We) have read all regulations pertaining to the operation of a Short-Term Rental and agree to comply with them and the Washington Township Short Term Rental Ordinance.

Signature of owner

Date _____

Signature of owner

Date _____

Make checks payable to Washington Township.

Mail completed application with appropriate fee to:

Washington Township
14 Creek Road
East Berlin, PA 17316