

STROUD TOWNSHIP
Monroe County, Pennsylvania

ORDINANCE NO. 4 - 2020

AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF STROUD BY ADDING A NEW PART 2 RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE TOWNSHIP AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES, AND OTHER MATTERS PERTAINING THERETO.

| | | |
|---------|---|----|
| §11-501 | Title..... | 1 |
| §11-502 | Scope, Legal Authority, and Codification..... | 2 |
| §11-503 | Interpretation..... | 2 |
| §11-504 | Definitions..... | 2 |
| §11-505 | Permit Required..... | 3 |
| §11-506 | Permit Procedure..... | 3 |
| §11-507 | Short-Term Rental Standards..... | 7 |
| §11-508 | Fees, Term and Renewal..... | 9 |
| §11-509 | Enforcement Officer..... | 9 |
| §11-510 | Inspections Required..... | 10 |
| §11-511 | Marketing..... | 10 |
| §11-512 | Notice of Violation..... | 10 |
| §11-513 | Nuisance..... | 11 |
| §11-514 | Violations and Penalties..... | 11 |
| §11-515 | Joint Owners Severally Responsible..... | 12 |
| §11-516 | Appeals..... | 12 |
| §11-517 | Severability..... | 14 |
| §11-518 | Repealer..... | 14 |
| §11-519 | Effective Date..... | 14 |

§11-501 - Title

This Ordinance shall be known as and may be cited as the "Stroud Township Short-Term Rental Permit Ordinance."

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

§11-502 - Scope, Legal Authority, and Codification

- A. The provisions of this Ordinance shall apply to all residential Dwelling Units, conversions of non-residential structures to residential dwellings, and all existing premises within the Township of Stroud. The owner of the Premises shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the owner.
- B. This Ordinance shall not apply to a resort, camp, hotel/motel, bed and breakfast, boarding house, or group home as these terms are defined in the Stroud Township Zoning Ordinance (Ordinance 27).
- C. The Township Supervisors, 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 Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 (P.L. 103, No. 69), reenacted and amended July 10, 1947 (P.L. 1481, No. 567), as amended, hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of the municipality.
- D. This Ordinance shall be codified in Chapter 11 (Housing) of the Code of Ordinances of the Township of Stroud (“Code”) as a new Part 2 entitled “Short-Term Rental Permits” and shall follow the numbering conventions of the Code.

§11-503 - Interpretation

This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Stroud Township Zoning Ordinance, as amended from time to time. Whenever possible, this Ordinance and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict. In the event of conflict, the regulations of this Ordinance shall apply. This Ordinance is not intended to, and does not supersede the declarations or covenants in a planned community where a short-term rental may be located.

§11-504 - Definitions

For the purposes of this Ordinance, words and terms used herein shall have the following definitions:

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

BEDROOM - A room containing a minimum of seventy (70) square feet in area that is used as a sleeping room. A room smaller than 70 square feet may not be used as a bedroom.

DWELLING UNIT – One or more rooms, designed, occupied or intended for occupancy as separate living quarters for one or more persons, with cooking, sleeping, and sanitary facilities provided.

PREMISES – A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

SHORT-TERM RENTAL - Any Dwelling Unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than thirty (30) consecutive days, during which time the owner or manager is not present on a full-time basis.

SHORT-TERM RENTAL PERMIT - Permission granted by the Township to utilize a Dwelling Unit for Short-Term Rental Use.

§11-505 - Permit Required

No owner of any property in Stroud Township shall operate or allow the operation of a Short-Term Rental in Stroud Township without first obtaining a Short-Term Rental Permit from the Zoning Officer. Operation of a Short-Term Rental without such Short-Term Rental Permit is a violation of this Ordinance.

§11-506 - Permit Procedure

- A. Short-Term Rental Permit applications shall be submitted to the Stroud Township Zoning Officer and shall contain all of the following information:
 - 1. Contact Information
 - a. The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- b. The name, address and 24-hour telephone number of the managing agency, agent or local contact person.
 - c. Signatures of both the owner and the local managing agent or local contact person.
 2. Floor Plans including the following information:
 - a. Identification of rooms on all floors and specific location and dimensions of bedrooms.
 - b. Total number of bedrooms.
 - c. If the building is a multi-unit structure, the total number of Dwelling Units in the structure and the number of Dwelling Units being used as Short-Term Rentals.
 - d. The name of the person that prepared the plan and a plan date
 3. Site Plan including the following information:
 - a. Property lines, driveways and all structures.
 - b. Location and number of on-site parking spaces.
 - c. Location and identification of all components of the sewage disposal system, if not served by a central or community sewer system.
 - d. The name of the person that prepared the plan and a plan date.
 4. Other Certificates/Information:
 - a. Sewage disposal system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three (3) years for approval by the Sewage Enforcement Officer.
 - b. Copies of current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax Permit.

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- c. Consent by the Owner allowing for inspection of the Premises by the Zoning and/or Code Enforcement Officer to verify compliance with the conditions of the Short-Term Rental application and any permit that may be granted.
 - d. Copy of the current recorded deed for the Premises establishing ownership.
 - e. Declaration page of a paid up insurance policy indicating at least \$500,000 liability insurance to cover the commercial use of a Short-Term Rental for the full duration of the permit term.
 - f. Written notice to the property owner's or homeowner's association, indicating the intent to make application for and use the Premises for a Short-Term Rental and a copy of the owner's association approval for a Short-Term Rental use.
 - g. In the Zoning and/or Code Enforcement Officer's discretion, a survey may be required to demonstrate compliance with any applicable regulations or ordinances.
- B. Short-Term Rentals shall be subject to site inspections by the Zoning and/or Code Enforcement Officer to verify application information and the following requirements:
- 1. Short-Term Rentals shall have a clearly visible and legible notice posted within the Dwelling Unit on or adjacent to the inside of the front door containing the following information:
 - a. 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 24- hour basis.
 - b. The E-911 address of the Premises.
 - c. The maximum number of occupants permitted at any one time.

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- d. The maximum number of all vehicles allowed to be on the Premises and the requirement that all parking must be in the available parking areas on the Premises and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the Premises.
 - e. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the Premises.
 - f. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of the Code, including parking and occupancy limits.
 - g. Notification that Short-Term Rental occupants are required to make the Premises and the Dwelling Unit available for inspection by the Zoning and/or Code Enforcement Officer upon request.
2. Short-Term Rentals shall be equipped with the following:
- a. Smoke detectors in each bedroom;
 - b. Smoke detectors outside each bedroom in common hallways;
 - c. Smoke detectors on each floor;
 - d. GFI outlets for outlets located within six (6) feet of water source;
 - e. Aluminum or metal exhaust from dryer;
 - f. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
 - g. Carbon monoxide detector if garage is attached;
 - h. Fire extinguisher in kitchen;
 - i. Stairs (indoor and outdoor) in good condition, including common areas;
 - j. E-911 address marker properly installed at the Premises;

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- k. Any other occupancy requirements which may be required by applicable building codes and added by ordinance amendment by the Board of Supervisors.
 - 3. Inspection of the individual sewage disposal system by the Township's Sewage Enforcement Officer to verify consistency with the submitted site plan and submitted floor plan and all applicable requirements of Chapter 18 of the Code.
 - 4. On-site inspection of the Premises to verify available parking spaces and consistency with the submitted site plan.
- C A Short-Term Rental Permit shall be issued only to the owner of the Short-Term Rental Premises.
- 1. A separate Short-Term Rental Permit is required for each Dwelling Unit; for Two-Family or Multi-Family Dwellings, a separate Permit shall be required for each Dwelling Unit being rented as a Short-Term Rental.
 - 2. Short-Term Rental Permit is effective for a period of one (1) year, or until any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed, whichever shall first occur. A Short-Term Rental Permit must be renewed annually and also when any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed.
 - 3. The Township will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

§11-507 - Short-Term Rental Standards

- A. Occupancy of a Short-Term Rental shall be limited to the numbers shown in the chart, below.

| Number of Bedrooms | Maximum Number of Occupants |
|--------------------|-----------------------------|
| 2 | 6 |
| 3 | 8 |
| 4 | 10 |
| 5 | 12 |

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- B. The maximum number of bedrooms for a Short-Term Rental shall be five (5) bedrooms unless the sewage capacity of the permitted individual sewage disposal system requires fewer bedrooms.
- C. The number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such Premises. Where there is no sewage permit on record, the Short-Term Rental shall be limited to the existing number of bedrooms or three (3) bedrooms, whichever is less, unless proof is provided to the Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. 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.
- D. Outdoor parking for occupants (in an amount specified on the Permit) shall be limited to available parking areas on the Short-Term Rental Premises. 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. The number of available parking spaces on the Short-Term Rental Premises shall be determined based on the criteria set forth in Part 8 of Ordinance 27 of the Township Code.
- E. Short-Term Rental occupants shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise including fireworks, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The owner, and the owner's agent, if applicable, shall use best efforts to assure that the occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate any provisions of the 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 when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- G. The owner, and the owner's agent, if applicable, shall, upon notification that occupants of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated any provisions of the Code or state law pertaining to noise or disorderly conduct, promptly use

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

best efforts to prevent a recurrence of such conduct by those occupants or guests.

- H. Overnight occupancy of recreational vehicles, camper trailers and tents at the Premises where the Short-Term Rental is located is prohibited. Outdoor overnight sleeping of occupants of the Short-Term Rental is prohibited.
- I. Fireworks and floating lanterns are prohibited.
- J. Subleasing all or a portion of the Short-Term Rental is prohibited.
- K. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental Permit, the violation of which may result in a revocation of that Permit by the Zoning and/or Code Enforcement Officer.

§11-508 - Fees, Term and Renewal

- A. Short-Term Rental Permit fees, payable to Stroud Township upon the filing of a Short-Term Rental Permit application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- B. Any Short-Term Rental Permit is valid for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short-Term Rental Permit renewal fees, payable to Stroud Township upon the filing of a Short-Term Rental Permit renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- C. Short-Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
- D. Short-Term Rental Permit renewal applications shall contain language whereby the owner certifies that the information provided is true and correct.
- E. Verification that all owed hotel and sales taxes have been paid shall be made before a Permit renewal is granted.

§11-509 - Enforcement Officers

The Stroud Township Zoning Officer, Code Enforcement Officer, and Sewage Enforcement Officer ("Enforcement Officers") are hereby designated as Enforcement Officers for purposes of

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

enforcement of this Ordinance, and each shall have the responsibility and authority to administer and enforce all provisions of this Ordinance.

§11-510 - Inspections Required

- A. All Short-Term Rentals shall be subject to inspections by the Enforcement Officers to verify all information provided in connection with this Ordinance.
- B. The issuance of a Short-Term Rental Permit is not a warranty by Stroud Township or any employee or officer thereof that the Premises or Dwelling Unit is lawful, safe, habitable, or in compliance with this Ordinance.
- C. If there is reason to believe that any provision of this Ordinance is being violated, the Board of Supervisors may or may cause, through an authorized representative of the Township, entry onto the Premises and into the Dwelling Unit for the purpose of inspection to ascertain the existence of violations. Interior inspections of the Dwelling Unit shall occur only with the reasonable prior notice and the consent of the owner or short-term tenant, or with an administrative search warrant.

§11-511 - Marketing

The following marketing activities are prohibited and shall be considered violations of this Ordinance:

- A. Offering or using any Dwelling Unit as a Short-Term Rental without first obtaining a Permit in accordance with this Ordinance;
- B. Offering an occupancy capacity in excess of the occupancy limit specified in the Permit;
- C. Promoting any activity that is prohibited by this Ordinance, any provision of the Code, or state law.

§11-512 - Notice of Violation

If it appears to an Enforcement Officer that a violation of this Ordinance exists or has occurred, 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

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

Premises that is the subject of the violation, enumerate the conditions that constitute the violation, cite the specific sections of this Ordinance that 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.

§11-513 - Nuisance

In the interest of 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, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

§11-514 - Violations and Penalties

- A. This Ordinance 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 Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$300 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Stroud 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 Stroud Township are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Stroud Township for its general use.
- B. In addition to, but not in limitation of, the provisions of Subsection A above and §11-513, the Zoning and/or Code Enforcement Officer may either revoke or deny an application to renew a Short-Term Rental Permit when two (2) violations have occurred in any rolling twelve (12) month period based from the following:
 1. a conviction in a summary proceeding pursuant to §11-514.A above; or
 2. a conviction of one or more occupants of the Premises by any law enforcement agency for conduct occurring at the Premises or in the Dwelling Unit such as disturbing the peace, disorderly conduct, or other similar crime or crime of a greater degree.

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

- C. The revocation or denial to renew a Short-Term Rental Permit shall continue for six (6) months for the first set of two (2) violations, and continue for one (1) year for any subsequent violations.

§11-515 – Joint Owners Severally Responsible

If the Premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for a violation of this Ordinance.

§11-516 - Appeals

- A. Appeals of a determination of the Zoning and/or Code Enforcement Officer under this Ordinance to deny any application for, or to renew, a Short-Term Rental Permit, or to revoke a Short-Term Rental Permit, shall be filed with the Board of Supervisors within thirty (30) days of the date of the denial of application or revocation of the Permit. Appeal shall be processed as follows:

- 1. Only the owner of the Premises or a person or entity that has a direct interest in the matter shall have standing to file an appeal. The person or entity filing the appeal shall be designated the Appellant.
- 2. 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 Supervisors, which may include notice and advertising costs, and necessary administrative expenses in relation to the hearing.
- 3. 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 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), codified at 2 Pa.C.S. §§ 551 -555, known as the "Local Agency Law," and in accordance with the following requirements:

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

1. Written notice shall be given to the Appellant, the owner (if different than the Appellant), the Zoning and/or Code Enforcement Officer, and to any person who has made timely request for 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 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.
3. The hearings shall be conducted by the Board of Supervisors. All testimony shall be stenographically recorded and a full and complete record shall be kept of the proceeding. The Board of Supervisors' written adjudication shall contain findings and the reasons for the adjudication and shall be served upon all parties within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time. Service of the adjudication shall be made upon the parties at the addresses provided by them either by personal delivery or by United States First Class mail postage prepaid.
4. The Chair or Acting Chair of the Board of Supervisors who presides at the hearing 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.
7. Any party or other person desiring a copy of the stenographic record shall order the copy directly from, and make direct payment to, the stenographer who prepared the same.
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;

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the Premises or Dwelling Unit 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.

§11-517 - Severability

If any section, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect the validity of any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

§11-518 - Repealer

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

§11-519 - Effective Date

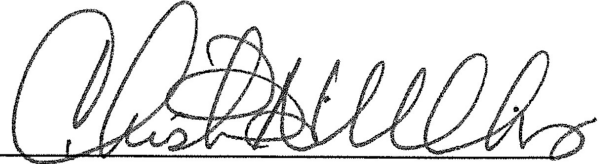
This Ordinance shall become effective five (5) days after enactment.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

STROUD TOWNSHIP SHORT-TERM RENTAL PERMIT ORDINANCE

ORDAINED AND ENACTED this 15TH day of SEPTEMBER 2020 by the Board of Supervisors of Stroud Township.

TOWNSHIP OF STROUD

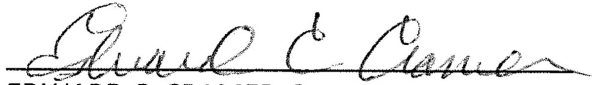


CHRISTINE A. WILKINS, Chairwoman
And Secretary

(TOWNSHIP SEAL)



JENNIFER SHUKAITIS, Vice Chairwoman
and Assistant Secretary



EDWARD C. CRAMER, Supervisor
and Assistant Treasurer

**TOWNSHIP OF STROUD
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 4 of 2020

IN RE:

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF STROUD BY ADDING A NEW PART 2 RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE TOWNSHIP AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES, AND OTHER MATTERS PERTAINING THERETO.

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, on the 15th day of September, 2020.

(TOWNSHIP SEAL)



DARYL A. EPPLEY, Township Manager
Stroud Township Board of Supervisors
1211 N. Fifth Street
Stroudsburg, PA 18360