

PRESTON TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA

SHORT-TERM RENTAL ORDINANCE-DRAFT
ORDINANCE NUMBER 2023-01

BE IT HEREBY ORDANINED AND ENACTED by the Board of Supervisors of Preston Township, Wayne County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," the Preston Township Short-term Rental Ordinance of Aug. 3, 2023, as follows,

ANNUAL TERM (OF SHORT-TERM RENTAL CERTIFICATE)

A term of one year from the issuance of the Certificate for Short-Term Rental Use.

BEDROOM

A room or space within a single-family dwelling or dwelling unit designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the building code), a closet, and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms, porches, enclosed porches, unfinished basements, finished basement rooms without direct and unobstructed exterior egress, unfinished attics, finished attics without a standard residential stairway, and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use such as a living room, den, office, sitting room, sunroom, three- season room, or similar shall not be considered a bedroom. A detached or accessory structure that does not include bathroom facilities with water under pressure and connected to a sewage disposal system shall not be considered a bedroom. A recreational vehicle or manufactured home that is not situated on the anchored to a permanent foundation with water under pressure and connected to a sewage disposal system shall not be considered a bedroom.

DAY GUEST

A visitor to the Short-Term Rental property, but not constituting an occupant.

OCCUPANT (OF SHORT-TERM RENTAL PROPERTY)

Person staying overnight at the Short-Term Rental.

OWNER (OF SHORT-TERM RETAL PROPERTY)

Person and or entity having legal or equitable ownership of the Short-Term Rental property. If there is more than one such person or entity, then "owner "shall mean each such person or entity, individually and jointly. If the property is owned by a company or corporation, the Chief Executive Officer, President or manager shall be considered the signatory for the purpose of executing the required documents.

OWNER OCCUPIED DWELLING

A dwelling in which the owner resides more than 180 days in one calendar year.

PERSON IN CHARGE

A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner’s Short-Term Rentals. A person in charge must reside or have an office within twenty-five (25) miles of the property and be able to act as the legal agent for the owner. The Township must be notified, in writing, within 14 days if there is a change in the identity of the person in charge.

SHORT-TERM RENTAL

Any dwelling or dwelling unit rented for the purpose of overnight lodging for a period of 30 consecutive days or less, and which meets the definition of hotel for the purpose of imposing an excise tax by Wayne County as defined in the County of Wayne Ordinance No. 12-29-2016, as amended, and rental days of a dwelling which is not owner-occupied shall not exceed 180 days in one calendar year. Any short-term rental that exceeds 180 days in a calendar year shall be considered a Motel or Hotel for the purposes of this ordinance.

SHORT-TERM RENTAL CERTIFICATE

A certificate initially issued by Preston Township no later than thirty-one (31) days following Inspection by the Building Inspector, which certificate expires exactly one year from the date of issue. The certificate shall not be transferable to a subsequent owner, but the approval of the structure shall remain with the property so long as the property and Short-Term Rental remains intact and unchanged, and the property is not subdivided. The Certificate, however, shall not extend past the renewal date. The owner or agent shall be responsible for the initial compliance and also for maintaining the property to remain in compliance. The owner or agent shall also be responsible for renewing the annual Certificate prior to the renewal date of the Certificate.

TENTANT

The primary individual who signed an agreement with the owner or owner’s agent for the temporary use of the Short-Term Rental for 30 consecutive calendar days or less.

TRANSIENT OCCUPANCY

For the purposes of this section, the term "Transient Occupancy" shall refer to the temporary rental of property which is planned for and does not exceed thirty (30) consecutive days to a tenant.

DWELLING

A structure or a portion thereof, which is used exclusively for human habitation. Further, a detached or accessory structure that does not include a kitchen and bathroom facilities with water under pressure and connected to a sewage disposal system shall not be considered a dwelling. A recreational vehicle or manufactured home that is not situated on, and anchored to, a permanent foundation with water under pressure and connected to a sewage disposal system shall not be considered a dwelling.

Section 1 – Short-Term Rentals

1. Intent

The intent of this Section shall be to regulate transient residential uses as Short-Term Rentals, to promote the health, safety and general welfare of the public.

2. Applicability

- A. The provisions of this Section shall apply to all Short-Term Rentals and their premises within the Preston Township. The owner of the subject property shall be responsible for compliance with the provisions of this Section, and the failure of an owner, person in charge, or renting occupants to comply with the provisions of the Section shall be deemed noncompliance by the owner.
- B. The provisions of this Section shall apply also to all Short-Term Rentals existing prior to enactment of this Ordinance. Existing Short-Term Rentals in Preston Township must be brought to compliance with the physical requirements of this application and fees before it is rented again.
- C. Owners of each Short-Term Rental unit established prior to the enactment date of the section shall be required to be in full compliance with this section by April 1, 2024. Any existing Short-Term Rental operating after April 1, 2024 without physical inspections and a Use Certificate shall be considered in violation of this Ordinance and any other applicable laws or ordinances.

3. Certificate required.

- A. No owner of any property in Preston Township shall operate a Short-Term Rental in Preston Township without first obtaining a Short-Term Rental Certificate from the Building Code Officer. The Building Code Officer shall perform an inspection of the premises to determine compliance with this Section. No Certificate shall be issued without a successful inspection. Operation of a Short-Term Rental without such Short-Term Certificate is a violation of this Section and the Preston Township Ordinance.
- B. The Owner or his/her representative shall be available to accompany the Building Code Officer during any inspection for compliance with this Section.

4. Certificate requirements.

- A. Short-Term Rental Certificate application forms shall be made available by Preston Township to anyone requesting such application, and shall contain all of the following information and attachments:
 - 1. The name, address, email and twenty-four-hour telephone number of the owner.
 - 2. The name, address, email and twenty-four-hour telephone number of the person in charge if different from the owner. A local person in charge shall have written authorization to accept service for the owner.

3. 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.
 4. The location, age and capacity of the sewage system.
 5. Copies of the current Wayne County hotel room excise tax certificate and current Pennsylvania sales and use tax permit.
 6. Signatures of both the owner and the local person in charge.
 7. Copy of the current recorded deed for the property establishing ownership.
- B. A Short-Term Rental Certificate shall be issued only to the owner of the short-term rental property.
- C. A separate Short-Term Rental Certificate is required for each dwelling unit; for two-family or multifamily dwellings, a separate Certificate shall be required for each dwelling unit being rented as a Short-Term Rental.
- D. A Short-Term Rental Certificate is effective for a period of one annual term, or until any of the conditions of the Short-Term Rental which are governed by the Section are changed, whichever shall first occur. A Short-Term Rental Certificate must be renewed annually and also when any of the conditions of the Short-Term Rental, which are governed by this Section, are changed.
- E. The Township will provide forms and procedures for the processing of certificate applications under this Section.
- F. Short-Term Rental Certificates are non-transferrable. If ownership of a Short-Term Rental property changes, the new owner(s) must complete a new certificate application form before renting out any part of the dwelling unit for a Short-Term Rental and must pay the full annual fee. The fee shall not be pro-rated or refunded.
- G. The owner or person in charge shall respond to the building code officer within 24 hours after being notified of the existence of a violation of this Section or any disturbance requiring immediate remedy or abatement. If the person in charge is not the owner, they shall immediately advise the owner of any modification of a violation.

4. **Short-Term Rental Standards.**

- A. A Short-Term Rental unit located in a Flood Hazard area (A or AE) shall have a specific flood hazard notification posted in a conspicuous place at the rental unit with evacuation instructions approved by the Township
- B. The rental period for all transient use of single family residential property or housing unit shall not exceed thirty (30) consecutive calendar day

- C. Conversion of a non-dwelling structure (i.e. barn, storage building, garage, etc.) to a dwelling for the purpose of being used as a Short-Term Rental shall comply with all applicable provisions under the Uniform Construction Code for a single-family dwelling, and shall also be in compliance with the Pennsylvania Sewage Facilities Act. If the structure is a second or more dwelling on a parcel, or becomes a second use on the property, all provisions for the Land Development under Preston Townships Subdivision and Land Development Ordinance shall be met.
- D. A dwelling designated as a Short-Term Rental may be rented as a unit as a single rental of individual rooms shall be considered as a Hotel or Motel use and is prohibited under this section.
- E. The maximum number of day guests allowed at any one time, in addition to the occupants, shall be 100% for the maximum permitted occupancy of the Short-Term Rental.
- F. 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 septic system is adequate to handle additional flows. Any Short-Term Rental advertising more than five bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the 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.
- G. Outdoor parking for occupants 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 tenants include spaces in any public street right-of-way or on any lawns.
- H. A Short-Term Rental property shall not have any outside appearance indicating a Change of Use from the surrounding residential uses.
- I. The only signs permitted shall be the 9-1-1 address number as required by the Preston Township Building Numbering and Street Naming Ordinance, and the property owner's name sign, unless a business sign unrelated to the Short-Term Rental is installed for a permitted business use on the property.
- J. 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, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight or fighting, or creating a dangerous or physically offensive condition.

- K. The owner/agent 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 any Preston Township Ordinances or any state law pertaining to noise or disordering conduct, including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- L. 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 any Preston Township Ordinances 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.
- M. Overnight occupancy of recreational vehicles, camper trailers and tents (other than pup tents) at the property where the Short-Term Rental is located shall be prohibited. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- N. All Short-Term Rentals shall 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 unit or the person in charge and a telephone number at which that party can be reached on a twenty-four-hour basis.
 2. The 9-1-1 address of the property, and if a landline telephone is provided, the ten-digit number for the telephone.
 3. 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.
 4. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 5. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 6. Notification that any occupant(s) or guest(s) may be cited and fined for creating a disturbance or for violating other provisions of any Preston Township ordinances, 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 building code officer upon request.
 8. Contact information for Preston Township.

O. All Short-Term Rentals shall be equipped with the following:

1. Smoke detectors in each bedroom;
2. Smoke detectors outside each bedroom in common hallways;
3. Smoke detectors on each floor;
4. Ground Fault Circuit Interrupter (GFCI) outlets for outlets located within six feet of water source, and outdoor outlets;
5. Aluminum or metal exhaust from clothes dryer;
6. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or coal- or wood-burning stove, gas cooking stove;
7. Carbon monoxide detector if garage is attached;
8. Fire extinguisher in kitchen conspicuously located, and with current inspection tag;
9. Stairs (indoor and outdoor), structurally sound and in good condition, with appropriate handrails in good condition;
10. Hallways, walkways, etc. are unobstructed;
11. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in Appendix G of the 2009 International Residential Code
12. Safety equipment shall be maintained and functional at all time; and
13. And occupancy requirements which may be added by ordinance amendment by the Board of Supervisors.

P. Bed and Breakfast operations shall not be considered Short-Term Rentals.

Q. The Transient Use of Residential Properties by means of temporary structures, such as tents, campers, trailers, yurts, barns, sheds, garages, storage containers, plastic domes, tree houses and recreational vehicles that lack permanent bathroom facilities or sanitation facilities is harmful to the public health, safety and welfare, and **shall be prohibited as a Short-Term Rental.**

R. Permanent bathroom or sanitation facilities shall include a source of potable water and sanitary system connections. Chemical toilets, composting toilets, or portable toilets shall not be considered permanent bathroom facilities. Recreational vehicles with on-board water and sewage systems shall not be considered permanent bathroom facilities.

S. Subleasing all or a portion of a Short-Term Rental unit shall not be prohibited.

T. A Recreational Cabin Exclusion (Uniform Construction Code) shall not be applied to any dwelling that is intended to be used as a Short-Term Rental, for new construction, reconstruction, structural changes, or room additions. Any dwelling, or portion thereof, that has been previously constructed or structurally changed under a Recreational Cabin Exclusion shall be subject to a safety inspection under the Uniform Construction Code prior to issuance of a Short-Term Rental Certificate, and the Owner shall be responsible for all inspection fees paid in advance.

- U. Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any permit or license issued by the Preston Township.

5. Fees, term and renewal.

- A. Short-Term Rental fees, payable to Preston Township, upon the filing of a Short-Term Rental Certificate application shall be in such amounts as may be established by a resolution duly adopted by the Board of Supervisors. Short-Term Rental Certificate fees shall not be waived, pro-rated or refunded.
- B. Every Short-Term Rental Certificate is good for a period not to exceed one year from the date of issuance and must be renewed annually.
- C. Short-Term Rental Certificate renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by the Section.

6. Enforcement Officer

- A. The administrator of this article shall be the Building Code Inspector. The Building Code Inspector shall have the responsibility and full authority to administer and enforce all provisions of this Ordinance.
- B. The issuance of a Short-Term Rental Certificate is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Ordinance.
- C. If there is reason to believe that any provision of the Ordinance is being violated on a Short-Term Rental premise within the Township, the Board of Supervisors may enter or may cause, through an authorized representative of the Township, entry onto the premise for the purpose of inspection for ascertaining 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 his agent to secure access thereof.
- D. If safety violations are discovered during an inspection by the authorized representative of the Township, the violations must be immediately dealt with, including possible suspension of the Short-Term Rental Certificate until such time as the violation has been corrected.

- E. Three safety violations on the same property within two consecutive years may result in revocation of the Short-Term Rental Certificate. The Certificate may be re-applied for, but in no case will a Certificate be issued or re-issued unless and until all noted safety violations have been corrected.

7. Marketing

- A. The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirement permitted by the Ordinance, or which promotes any other activity that is prohibited by the Ordinance, shall be a violation of this Ordinance.
- B. Publicly advertising a Short-Term Rental prior to approval of the structure and having a current Short-Term Rental Certificate shall be a violation of this Ordinance, with the exception of a Short-Term Rental existing prior to enactment of this Ordinance, where these conditions must be met before renting again.
- C. For the purpose of this Section, marketing and advertising shall include, but is not limited to, real estate listings, newspapers, magazines, social media, websites, and printed materials such as and similar to advertising placemats, flyers, posters, and brochures.

8. Owners severally responsible

If the premises have more than one owner, each owner shall severally be subject to prosecution for a violation of this Section.

9. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent to the Preston Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

REPEALER

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

EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED into law by the Board of Supervisors of Preston Township,

Wayne County, Pennsylvania, this _____ day of _____, 20_____.

PRESTON TOWNSHIP BOARD OF SUPERVISORS

Alan R. Jones, Chairman

James C Neu, Jr, Vise Chairman

Stephen M Brown, Supervisor

ATTEST

Mary Ann Llewellyn, Secretary