

TOWNSHIP OF EPHRATA

Lancaster County, Pennsylvania

ORDINANCE NO. 282

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING ORDINANCE OF 2000 TO REVISE REGULATIONS GOVERNING SHORT-TERM RENTAL UNITS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Ephrata Township enacted February 8, 2000, as amended (hereinafter, the "Zoning Ordinance"), Article IV, District Regulations, Section 403, Residential Medium Density (RMD) District, Subsection B.2, Special Exceptions, shall be amended by deleting subsection o., short-term rental subject to the requirements of Section 661, in its entirety.

Section 2. The Zoning Ordinance, Article IV, District Regulations, Section 404, Residential High Density (RHD) District, Subsection B.2, Special Exceptions, shall be amended by deleting subsection h., short-term rental subject to the requirements of Section 661, in its entirety.

Section 3. The Zoning Ordinance, Article IV, District Regulations, Section 405, Commercial (C) District, Subsection B.2, Special Exceptions, shall be amended by re-lettering the existing subsection j. as subsection k., and inserting a new Subsection j., which shall provide as follows:

j. short-term rental subject to the requirements of Section 661.

Section 4. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and other Selected Uses, Section 661, Short Term Rental, shall be deleted in its entirety and replaced with the following language:

Section 661. SHORT TERM RENTAL

- A. No more than one short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure which also contains one or more dwelling units used for residential occupancy.
- B. All short-term rentals shall be conducted in single-family detached dwellings, and the entire dwelling must be rented. Conversion of a portion of a dwelling or an accessory structure into a dwelling unit to be used as a short-term rental unit shall not be permitted.
- C. Short-term rentals conducted in the Residential Low Density (RLD) District shall be set back at least 200 feet from any other residential dwelling not located on the same property as the short-term rental.
- D. The applicant shall establish the total number of calendar days that the short-term rental activity will occur in any calendar year.
 - 1. Short-term rental activity occurring for a total of 120 or more days in any calendar year shall be considered Short-term Rental (Heavy Use) and shall require the applicant to request a new Certificate of Use and Occupancy to reflect the new commercial activity classification of the building and shall require bringing the structure into compliance with the Pennsylvania Uniform Construction Code, as amended and enacted under the Ephrata Township Building Code Ordinance, and all other applicable codes and ordinances, in addition to the requirements set forth in Section 661.D.2 herein.
 - 2. Short-term rental activity occurring for fewer than a total of 120 days in any calendar year shall require the applicant to request a Temporary Short Term Rental Authorization. The applicant for a Temporary Short Term Rental Authorization shall demonstrate to the Zoning Hearing Board that the proposed short-term rental unit contains and/or meets all of the applicable requirements in this Ordinance and the following items:
 - a. Previous Certificate of Use and Occupancy of the structure, in the absence of which a new Certificate of Use and Occupancy shall be required.
 - b. Life safety map of the structure indicating the exits and fire extinguisher locations, conspicuously displayed.
 - c. Inter-connected smoke detector in each bedroom.
 - d. Inter-connected smoke detector outside each bedroom in the common hallway.
 - e. Inter-connected smoke detector on each floor including the basement.
 - f. GFI outlets in all kitchens, bathrooms and laundry rooms.

- g. Smooth wall aluminum or other metal dryer vent.
 - h. Carbon monoxide detector if open flame fossil fuel furnace or gas fireplace.
 - i. Carbon monoxide detector if a garage is attached.
 - j. A fire extinguisher conspicuously displayed in the kitchen.
 - k. Exterior and interior stairs, handrails, and guards in good condition.
 - l. Light fixture providing minimum one foot-candle illumination in exit stairways.
 - m. No electrical hazards, broken light bulbs, or exposed wiring.
 - n. If not served by a municipal water supply, the owner shall provide proof that a potable water supply is available for the unit.
 - o. If not served by a public sewer system, evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental unit.
 - p. Fully functioning bathing and toilet facilities.
 - q. Fully functioning kitchen (if one has been installed).
 - r. The Property Maintenance Code of Ephrata Township (Ord. No. 225 at the time of enactment of this Section) as amended, reinstated, or succeeded.
- E. Any additions, structural changes or renovations will require bringing the structure into compliance with the Pennsylvania Uniform Construction Code, as amended and enacted under the Ephrata Township Building Code Ordinance, and all other applicable codes and ordinances.
- F. If the short-term rental unit is located in the agricultural zone, the applicant shall present a safety plan acceptable to the Zoning Hearing Board to ensure the safety of the occupants and prevent conflicts with the agricultural operations in the area of the unit.
- G. The applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:
- 1. The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
 - 2. The 911 address of the property.

3. The maximum number of occupants permitted to stay in the short-term rental unit in compliance with Section 404 of the Property Maintenance Code of Ephrata Township (Ord. No. 225 at the time of enactment of this Section) as amended, reinstated or succeeded.
 4. The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.
 5. Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of three (3) secured containers.
 6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.
 7. Notification that the occupants must complete a manifest identifying the occupants and emergency contact information and place such manifest in the outdoor box installed to contain such manifest.
- H. The applicant shall designate a local contact person residing within 15 miles of the short-term rental unit, who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Township or within 15 miles of the short-term rental unit may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer within one (1) hour after being notified by such official of the existence of a violation of an Ephrata Township Ordinance or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.
- I. The applicant shall demonstrate that the applicant has installed an outdoor box which will be used to contain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.
- J. If the special exception is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of use and occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
- K. The Zoning Officer shall not issue a Short-Term Rental Authorization or Certificate of Use and Occupancy for a short-term rental until the Zoning Officer and/or

another authorized Township official has inspected the short-term rental unit and determined that the applicant has complied with all requirements in this Section and all safety, construction code, and ADA requirements.

- L. A short-term rental unit may be rented only to a person 21 years of age or older.
- M. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.
- N. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- O. The owner of the short-term rental unit shall submit an application each year for a permit to authorize continued operation of the short-term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this Section 661, and confirm that the short-term rental unit meets all applicable Township Ordinances. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one-year period. Operation of a short-term rental without the required annual permit is a violation of the Zoning Ordinance.
- P. Failure to comply with any provision of this Section shall be a violation of the Zoning Ordinance, subject to the remedies under Section 703 of the Zoning Ordinance. Violations shall include, but not be limited to, the following actions/omissions:
 - 1. Operating a short-term rental without having received special exception approval from the Zoning Hearing Board and having been issued a Certificate of Use and Occupancy or a Temporary Short-Term Rental Authorization, whichever is applicable.
 - 2. Operating a short-term rental without having been issued a permit.
 - 3. Allowing the operation of a short-term rental after a permit has expired without being renewed.

4. Operating a short-term rental for more than 120 days in a calendar year unless a Certificate of Use and Occupancy for a commercial use has been obtained in accordance with Section 661.D.1 herein.
5. Failure to maintain compliance with all safety items set forth under Section 661.D.2 herein during the operation of a short-term rental unit.
6. Failure to have a local contact person in compliance with Section 661.H, and/or failure of such local contact person to respond after having been notified by the Township or a police officer of an ordinance violation or disturbance.

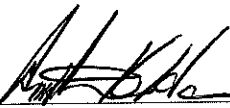
Section 5. All other ordinances, sections, parts and provisions of ordinances of the Township of Ephrata shall remain in full force and effect as previously enacted and amended.


Section 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 7. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Ephrata as provided by law.

DULY ORDAINED AND ENACTED this 6th day of June, 2023, by Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EPHRATA
Lancaster County, Pennsylvania

Attest: 
(Assistant) Secretary

By: 
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of Ephrata, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Ephrata at a meeting duly held on the 6th day of June, 2023; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Ephrata met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of Ephrata or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of Ephrata, this 6th day of June, 2023


Secretary

[TOWNSHIP SEAL]