

TOWNSHIP OF EPHRATA

Lancaster County, Pennsylvania

ORDINANCE NO. 276

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING ORDINANCE OF 2000 TO REVISE REGULATIONS GOVERNING SHORT-TERM RENTAL UNITS AND TO REVISE REGULATIONS GOVERNING SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY TO COMPLY WITH ACT 50 OF 2021.

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, Article VI, Criteria for Special Exceptions, Conditional Uses and other Selected Uses, Section 661, Short Term Rental, shall be amended to provide as follows:

Section 661. SHORT TERM RENTAL

* * * *

C. 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.C.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).
- o. The Property Maintenance Code of Ephrata Township (Ord. No. 225 at the time of enactment of this Section) as amended, reinstated, or succeeded.

- D. 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.
- E. 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.
- F. 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.
- G. 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.

- H. 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.
- I. 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.
- J. 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.
- K. A short-term rental unit may be rented only to a person 21 years of age or older.
- L. 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.
- M. 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.
- N. 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.

- O. 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.C.1 herein.
 5. Failure to maintain compliance with all safety items set forth under Section 661.C.2 herein during the operation of a short-term rental unit.
 6. Failure to have a local contact person in compliance with Section 661.G, 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 2. The Zoning Ordinance, Article X, Definitions, Section 1002, Terms, shall be amended by inserting the following term in alphabetical order:

Short-Term Rental (Heavy Use) – The use of a dwelling for a Short-Term Rental as defined herein, in which the aggregate short-term rental use equals or exceeds 120 days in any calendar year.

Section 3. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Communications Towers and Accessory Equipment, Subsection B, shall be amended to provide as follows:

- B. The following shall apply to Communications Antennas other than Small Wireless Facilities located, or proposed to be located, within the right-of-way as defined by the Small Wireless Facilities Deployment Act, as amended and reenacted, 53 P.S. § 11704.1, et seq. (“Act 50 of 2021”), which facilities shall be regulated by Act 50 of 2021 and any ordinance in conformance therewith.

Section 4. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Communications Towers and Accessory Equipment, Subsections C, shall be amended to provide as follows:

- C. The use of the right-of-way (as defined by Act 50 of 2021) for Small Wireless Facilities and utility poles (as defined in Act 50 of 2021) for the attachment of Small Wireless Facilities, shall be regulated by Act 50 of 2021 and any ordinance enacted in conformance therewith. Wireless Facilities and Pole Facilities shall not be permitted in the public right-of-way unless in conformance with Act 50 of 2021.

Section 5. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Communications Towers and Accessory Equipment, Subsections D, shall be amended to provide as follows:

- D. The following shall apply to all Pole Facilities within private street Rights-of-Way.
1. Pole Facilities in the private Rights-of-Way shall be limited to Pole Facilities with a maximum height of forty (40) feet.
 2. Pole Facilities are permitted within the private Rights-of-Way in all zoning districts by special exception subject to the approval of the owner of the private Rights-of-Way. Evidence that the WCF Applicant has obtained such approval shall be a requirement for special exception approval.
 3. No Pole Facility shall be located in the front façade of any structure.
 4. Pole Facilities or Accessory Equipment shall be permitted in private Rights-of-Way where utility facilities are located underground subject to the approval of the owner of the private Right-of-Way. Evidence of such approval shall be provided to the Township as part of the Applicant's special exception application.
 5. No Pole Facility shall be located within two hundred (200) feet of the property line of any public or private school or park unless permitted by the owner of the property containing such public or private school or park.
 6. An application for a new Pole Facility in a private street Right-of-Way shall not be approved unless the Township finds that the proposed WCF cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Pole Facility shall include a comprehensive inventory of all existing pole facilities and other suitable structures within a one-mile radius from the point of the proposed pole facility, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

7. Pole Facilities and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists. In addition:
 - a. In no case shall pole facilities, ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or three (3) feet from the edge of the asphalt on roads without curbing.
 - b. Ground-mounted equipment that cannot be installed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within thirty (30) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Pole Facilities shall be reviewed and approved by the Township.
 - f. All Pole Facilities and Accessory Equipment shall comply with any applicable requirements of the Americans with Disabilities Act (ADA).
8. Design Regulations.
 - a. The Pole Facility and Communications Antenna shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
 - b. Any Substantial Change to an existing Pole Facility shall require prior approval of the Township.
 - c. Any proposed Pole Facility shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennas and comparable antennas or future users, including antennas for public safety needs by emergency responders.
9. The applicant shall allow and encourage other service providers to Collocate antennas on Pole Facilities where technically and economically feasible. The owner of a Pole Facility shall not install any additional antennas without obtaining the prior written approval of the Township.

10. Upon submission of an application for a Pole Facility and the scheduling of the public hearing before the Zoning Hearing Board upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township along with the list of return receipts received.
11. Each Person that owns or operates a Pole Facility shall provide the Township with a certificate of insurance naming the Township as an additional insured evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Pole Facility.
12. Each person that owns or operates a Pole Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Pole Facility . Each person that owns or operates a Pole Facility shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Pole Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
13. Within ninety (90) days of receipt of a complete application for a Pole Facility that meets the definition of Small Wireless Communications Facility, the Township shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision. If the proposed Pole Facility does not meet the definition of Small Wireless Communications Facility, the Township shall make a final decision on whether to approve the application and shall notify the WCF Applicant within one hundred fifty (150) days of receipt of the application for the Pole Facility.
14. The Township reserves the right to waive any of the requirements of this Section 624.D.

Section 6. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Communications Towers and Accessory Equipment, Subsections E, shall be amended to provide as follows:

E. In addition to the requirements of Section 624.B, the following shall apply to all Communications Antennas within private street Rights-of-Way:

1. Communications Antennas in the private street ROW shall be Collocated on existing Wireless Support Structures. If Collocation is not technologically feasible, the WCF Applicant shall locate its Communications Antenna on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.
2. Design Requirements:
 - a. WCF installations located above the surface including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Communications Antennas and Accessory Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Communications Antennas and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists. In addition:
 - a. In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
 - b. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - d. Any graffiti on any Wireless Support Structures or any Accessory Equipment shall be removed at the sole expense of the owner.
 - e. Any proposed underground vault related to Communications Antennae shall be reviewed and approved by the Township.
 - f. Accessory equipment attached to the Wireless Support Structure shall have eighteen (18) feet of vertical clearance above finished grade.

4. Prior to receipt of a zoning permit, the WCF Applicant shall provide to the Township a performance bond in the amount of \$25,000.00 for the removal of the Communications Antenna. Said performance bond shall remain in place until the Communications Antenna is removed.
5. The Township reserves the right to waive any of the requirements of this Section 624.E.

Section 7. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and Other Selected Uses, Section 624, Communications Antennas, Communications Towers and Accessory Equipment, shall be amended by re-lettering the existing Subsection E to Subsection F.

Section 8. 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 9. 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 10. 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 5th day of April, 2022, by Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EPHRATA
Lancaster County, Pennsylvania

Attest: [Signature]
(Assistant) Secretary


By: [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, Secretary of the Township of Ephrata, Lancaster County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on April 5, 2022.

Date: 4/5/2022

BY: 
Secretary

(SEAL)