

**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING
Monday, May 6, 2024 – 7:00 P.M.
Borough Office**

A G E N D A

- 1. Approval of Meeting Minutes**
 - a. Minutes of April 1, 2024, meeting
- 2. Open to the Public**
- 3. New Business**
 - a. Zoning Ordinance Amendment – Transitional Density Residential Overlay District (TRDO)
 - b. Chapter 18 – Proposed Amendment
 - c. Zoning Ordinance Proposed Amendment – Short Term Rentals
- 4. Old Business**
 - a. Long-Term Rentals – Rules/Regulations
 - b. Chapter 22 Review
- 5. Adjournment**

**BOROUGH OF CARROLL VALLEY
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF CARROLL VALLEY,
ADAMS COUNTY, PENNSYLVANIA AMENDING VARIOUS SECTIONS OF THE
CARROLL VALLEY ZONING ORDINANCE TO CREATE A TRANSITIONAL
DENSITY RESIDENTIAL OVERLAY (TRDO) DISTRICT**

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code entitled ‘Zoning’ 53 P.S. §10601 et seq., authorizes the Borough to enact, amend and repeal Zoning Ordinances within the Borough; and

WHEREAS, Section 609 of the MPC, 53 P.S. §10609, sets forth the procedures for zoning ordinance amendments; and

WHEREAS, the Borough of Carroll Valley Zoning Ordinance, codified as Chapter 27 of the Borough of Carroll Valley Code of Ordinances, was amended on May 10, 2022 (the “Zoning Ordinance”); and

WHEREAS, Borough Council desires create a Transitional Density Residential Overlay District (TRDO); and

WHEREAS, the Borough Council for the Carroll Valley Borough deems it to be in the best interest and general welfare of the citizens and residents of the Borough to update and amend certain provisions of the Zoning Ordinance.

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the Council of the Borough of Carroll Valley, Adams County, Pennsylvania, that the Zoning Ordinance is hereby amended as follows:

SECTION 1: Section 201 of the Chapter 27 of the Carroll Valley Borough Code of Ordinances (the “Code”), entitled “Definitions”, shall be amended to add the following to the list of definitions:

Cluster Residential Lot

Designated parcels of land, smaller than otherwise permitted in the district in which the parcels are located, established by the subdivision of a tract of land greater than 10 acres, which may be developed as a grouping of single-family residences located to minimize adverse impacts on surrounding environmental features and to provide access to and views of surrounding open land.

Perimeter Buffer

An Open Space buffer located along the perimeter of a cluster residential development and providing a separation between all dwelling units, interior roadways (with the exception of the main access road), parking areas and other impervious surfaces within the cluster development from adjacent parcels and existing Township roadways.

SECTION 2: Section 300 of Chapter 27 of the Carroll Valley Borough Code of Ordinances (the “Code”), entitled “Purpose” shall be amended by adding the following to the list of zoning districts:

TRDO Transitional Density Residential Overlay

SECTION 3: Section 301 of Chapter 27 of the Code, entitled, “Zoning Map”, shall be amended by replacing the Carroll Valley Borough Zoning Map with the revised Zoning Map creating and depicting a Transitional Density Residential Overlay District, attached hereto and incorporated herein as Exhibit “A”.

SECTION 4: Article VI of Chapter 27 of the Code, entitled “Residential Low Density (R2) District”, shall be amended by adding the following:

TRANSITIONAL DENSITY RESIDENTIAL OVERLAY (TRDO) DISTRICT

Section 603: Statement of Legislative Intent

- A. Provide for limited high density single family residential communities utilizing cluster style design techniques providing a density transition between zones of lower and higher density.

Section 604: Use Regulations

- A. Uses permitted within the R2 District are permitted within the TDRO District, in accordance with the provisions of Section 601 herein.
- B. Cluster Residential Lots shall be permitted by right in the TDRO District, subject to the provisions contained within this Chapter.

Section 605: Dimensional Requirements

- A. All uses permitted within the R2 District, except Cluster Residential Lots, shall comply with all applicable dimensional requirements set forth in Section 602 herein.
- B. Cluster Residential Lots shall comply with the requirements of the following table:

Minimum Lot Area	6000 square feet
Minimum Lot Width	60 feet ¹
Minimum Front Setback	20 feet

¹ Cul de sac lot width measured at a uniform building setback line.

Minimum Side Setback	Total: 15 feet; Minimum per side: 5 feet
Minimum Rear Setback	20 feet
Maximum Lot Coverage	Sixty percent (60%)
Minimum Vegetative Coverage	Forty percent (40%)
Maximum Building Height	35 feet
Minimum Dwelling Unit Livable Floor Area	N/A

Section 606: General Development Standards

Any development, whether proposed initially or cumulatively, on a parcel existing as of the effective date of this Ordinance, and involving five (5) or more dwelling units, shall comply with the following general developmental standards.

- A. **Open Space:** Where a parcel is proposed for development, an integrated open space area shall be provided. The open space area shall meet the following requirements:
1. **Area:** A minimum of thirty percent (30%) of the parcel shall be devoted to open space.
 2. **Lands Contributing to Open Space:** Open space may include areas dedicated to recreational purposes, natural area, important environmental features, and perimeter buffers. Stormwater management facilities, private yards, and common lands surrounding residential uses (for example, land surrounding a dwelling unit organized as a condominium) are specifically excluded from being included as open space.
 3. **Use:** Open space shall be designated for common use and enjoyment of the residents of the development. Active and passive recreation areas shall specifically be permitted within open space areas.
 4. **Proximity to Dwelling Units:** A minimum of sixty-five percent (65%) of the dwelling units within the development shall abut an open space area.
 5. **Trail System:** Within the open space area, a pedestrian trail system shall be provided that meets the following standards.
 - i. The trail system shall be designed so that a residence can use the trail system to access all portions of the development, specifically including the designated recreation area.
 - ii. The trail system shall be provided with a stable surface that meets accessibility standards. Such stable surface may include paving, but may also include other surfaces such as crusher fines and boardwalks that form a firm and stable trail surface.
 - iii. The trail system shall be designed so that it can be extended to other existing or planned trail systems on adjoining or surrounding properties.

6. **Open Space Ownership:** Ownership of designated open space within a development shall comply with one of the following ownership options:
 - i. Fee Simple Dedication to the Borough: All or a portion of the open space areas may be offered for dedication to the Borough. Should the Borough agree to accept dedication of the open space areas, there shall be no cost of acquisition to the Borough, and the Borough shall agree to accept and maintain any existing or proposed facilities within the open space areas.
 - ii. Homeowners' Association: Open space areas may be held in common ownership subject to all of the provisions for homeowners' associations as set forth in relevant state law and regulations.
 - iii. Private, Non-Profit Conservation Organization: Open space areas may be transferred by fee simple title to a private, non-profit organization. Should this option be utilized, the open space areas shall be subject to a recorded conservation easement providing that the open space areas will be permanently maintained as open space areas and any existing or proposed facilities within the open space shall be maintained by the private, non-profit organization. The conservation easement shall provide that the Borough may enforce the provisions of the conservation easement and require the private, non-profit organization to maintain said open space area and any existing or proposed facilities within the open space area.
 - iv. Non-Common Private Ownership: Open space areas within development may be transferred to non-common private ownership, provided that a conservation easement consistent with the provisions of subsection (iii) above is established.
 - v. Combination of Ownership Options: A combination of ownership options may be utilized.

7. **Open Space Maintenance:** Maintenance of open space areas within a development shall comply with the following standards:
 - i. Maintenance responsibility of the open space areas shall be borne by the designated owner(s) of said open space areas. However, any required conservation easement shall afford the Borough the ability to conduct open space maintenance should the designated owner(s) fail to do so.
 - ii. At the time of Preliminary Plan submission in accordance with the applicable requirements of the Carroll Valley Borough Subdivision and Land Development Ordinance, a Maintenance Plan for the designated open space area shall be submitted. Such plan shall include the following:
 1. Schedule of regular and periodic operation and maintenance activities for each component of the open space area.
 2. Estimate of annual costs for the open space area operation and maintenance activities.
 3. Estimate of other annual costs associated with the open space area. These may include, but are not limited to, staffing and insurance costs.
 4. Estimate of costs of potential long-term capital improvements that are shown on the Preliminary Plan that will not be constructed as

part of the Final Land Development Plan and are to be made by the owner of the open space area in the future, if any, and the means for funding said improvements.

- iii. In the event that the owner(s) neglect to maintain the open space area and associated facilities in a manner consistent with the conservation easement and/or the Maintenance Plan, upon thirty (30) days' prior written notice to the owner, the Borough may enter the premises to take corrective actions, including regular and periodic maintenance. Any costs associated with such corrective actions shall be assessed against the open space area property as a municipal lien.

B. Residential Neighborhood Buffer: Where a parcel proposed for development abuts an existing residential neighborhood, an open space perimeter buffer shall be established in accordance with the following standards:

- 1. The buffer shall begin at the property line and be a minimum of fifty (50) feet in width, measured inward from the property line.
- 2. The buffer shall be vegetated, and existing vegetation within the buffer shall, at a minimum, be maintained.
 - i. Where the buffer area is forested, the retention of existing forested vegetation can be applied to the requirements of the Forested Land Overlay (FLO) District of Article XII.
 - ii. Where the buffer area lies within an area subject to the Riparian Buffer Overlay (RBO) District, and where the restoration of the riparian buffer is proposed through the planting of trees, said restoration can be applied to the requirements of the RBO District.

C. Lot Frontage: All lots shall front on, and be provided access from, a new street within the development. Under no circumstances shall new lots be permitted to be provided access from an existing street.

SECTION 5. Repealer. All provisions of previous Ordinances of Carroll Valley Borough which are contrary to this Ordinance are expressly repealed.

SECTION 6. Savings Clause. In all other respects, the Code of the Borough of Carroll Valley shall remain as previously enacted and ordained.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____
2024 by the Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

ATTEST:

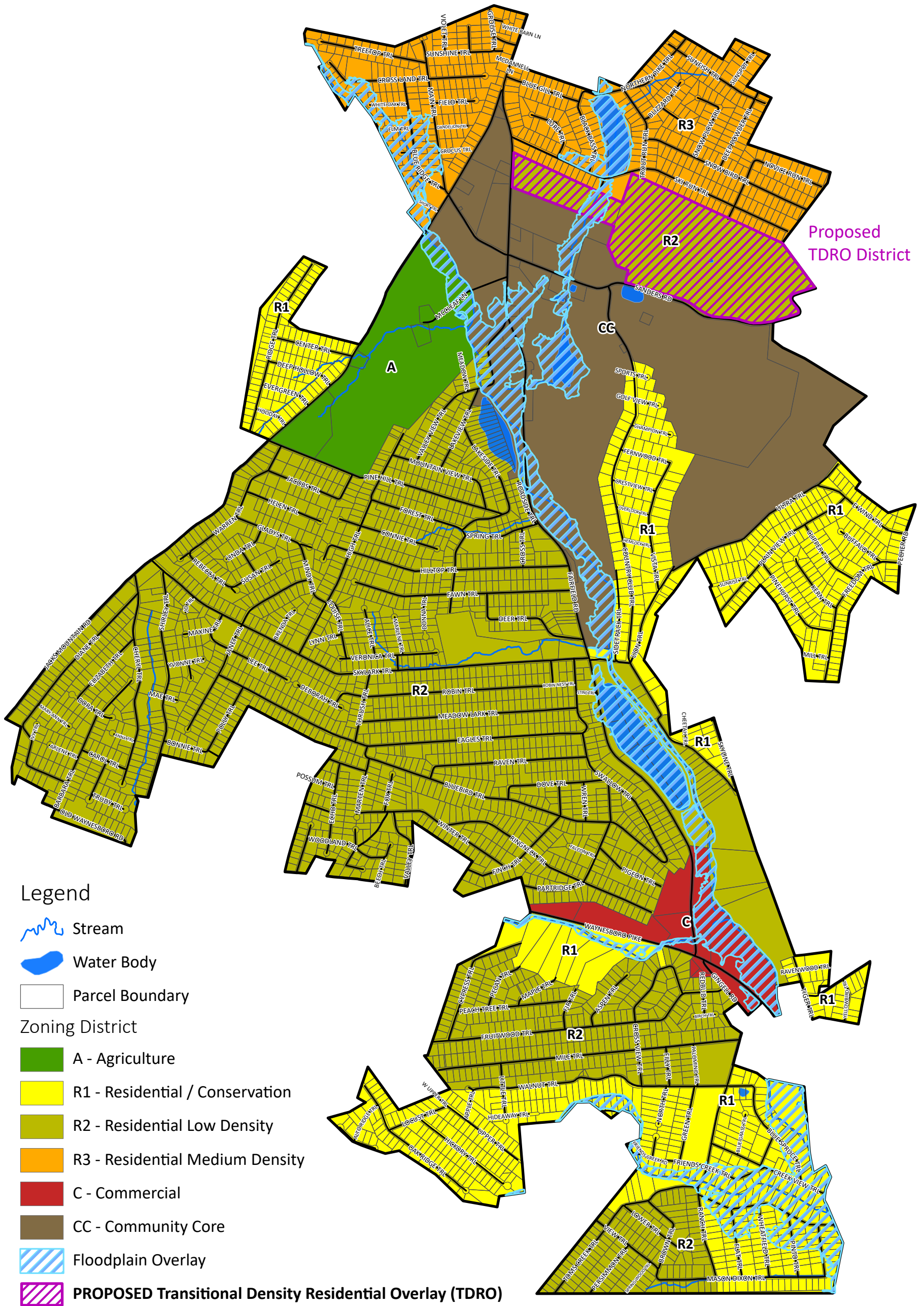
CARROLL VALLEY BOROUGH COUNCIL

Gayle Mathers, Assistant
Borough Manager/Borough
Secretary












By: _____
Richard Mathews, Council President

Mayor of the Borough of Carroll Valley

DRAFT



Legend

-  Stream
-  Water Body
-  Parcel Boundary
- Zoning District**
-  A - Agriculture
-  R1 - Residential / Conservation
-  R2 - Residential Low Density
-  R3 - Residential Medium Density
-  C - Commercial
-  CC - Community Core
-  Floodplain Overlay
-  **PROPOSED Transitional Density Residential Overlay (TDRO)**

Proposed Zoning Map Amendment

Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 18 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES, BY AMENDING SECTION 18-101 DEFINITIONS TO INCLUDE THE DEFINITION OF “SUMP PUMP” AND SECTION 18-107 PROHIBITED DISCHARGES AND INDUSTRIAL WASTE TO ADD “SUMP PUMP” TO THE LIST OF PROHIBITED DISCHARGES AND REQUIRE A SEWER CONNECTION INSPECTION UPON THE TRANSFER OF REAL PROPERTY WITHIN THE BOROUGH.

WHEREAS, the Borough of Carroll Valley Council and staff have reviewed Chapter 18 of the Borough of Carroll Valley Code of Ordinances (the “Code”) to evaluate whether certain sewage discharges should be prohibited and whether sewer connection inspections shall be required upon the transfer/sale of real property within the Borough; and

WHEREAS, Borough Council has determined that modifications to Chapter 18 of the Code proposed by this Ordinance are in the best interest of the health, safety, and welfare of the residents of the Borough of Carroll Valley; and

WHEREAS, pursuant to Section 2001(c)(4) of the Borough Code, 8 Pa.C.S. § 2001(c)(4), Borough Council is authorized, by ordinance, to make regulations respecting the use and maintenance of the sanitary sewer system and treatment works, including regulations that require that property owners provide means other than the public sanitary sewers for disposal of storm, surface and roof water originating or accumulating upon their property; and

WHEREAS, the Council has determined that the transfer of any real property within the Borough should require an inspection by the appropriate Borough officials for evaluation and determination of compliance with Chapter 18’s prohibition against certain connections to the Borough’s sanitary sewer system; and

NOW, THEREFORE, be it ordained and enacted that the following amendments be made to Chapter 18 of the Code as follows:

SECTION 1. Definition Added. Section 18-101 of the Code shall be amended to add the term “Sump Pump,” which shall be defined as follows:

“a pump utilized for the removal of water that has accumulated in a water-collecting sump basin in both residential and commercial real property.”

SECTION 2. Prohibited Discharges Added. Section 18-107(1) “Prohibited Discharges and Industrial Waste,” shall be amended to read as follows:

“No person shall discharge or shall cause to be discharged any stormwater, surface water, roof runoff, subsurface drainage, building foundation drainage, or drainage from roof connections or sump pump connections into any sewer.”

A. Enforcement.

i. Prior to the transfer of title of any property within the Borough of Carroll Valley, the owner shall request the Borough to inspect the property's sewer connections for compliance with this Chapter 18. If this inspection reveals the connection is not in compliance, the property owner shall repair the connection prior to transfer. Upon completion of the repairs, the Borough shall reinspect the property and provide the property owner with certification of compliance with this Chapter 18. The Borough shall not permit the transfer of the sewer account to a new property owner until such time as this inspection and certification is completed. The fee for this inspection shall be set by resolution of Borough Council from time to time.

ii. It shall be the duty of the Borough Sewer Treatment Plant Operator or his designee to immediately notify the Code Enforcement Officer of any violation of this subsection.

iii. It shall be the duty of the Code Enforcement Officer to notify the offending user to make all necessary corrections to any noted violations within 10 days of receipt of said notice. The Code Enforcement Officer may extend the correction deadline in the event of extraordinary circumstances as long as no immediate or imminent threat exists as set forth in Subsection (A)(iv) below.

iv. If, in the opinion of the Borough Engineer or the Borough Sewer Treatment Plant Operator, the violation constitutes an immediate or imminent threat to the health and welfare of the general public, the violation poses an immediate or imminent threat to the environment or poses an immediate or imminent threat to the sewer system, the ten-day notice will be waived and the user will be ordered to make immediate corrections. If the user fails to make immediate corrections, the Code Enforcement Officer shall be authorized to commence any necessary corrective actions.

v. The cost of any corrective actions, including those taken by the Borough, shall be borne by the user. Payment of such costs shall not indemnify the user from any penalties prescribed by this subsection or any penalties prescribed by state or federal law.

B. Violations and Penalties

- i. Any person who violates this subsection shall be subject to the penalties enumerated in Section 18-119 of the Code.
- ii. In addition, the Borough shall have the authority, by an action in equity, to compel the property owner to comply with this Chapter, or seek other relief as a court may order.

SECTION 3. Repealer. All provisions of previous ordinances of the Borough of Carroll Valley, or parts thereof, which are contrary to or inconsistent with this Ordinance, are expressly repealed.

SECTION 4. Savings Clause. In all other respects the Borough of Carrol Valley Sewers and Sewage Disposal Ordinance shall remain in full force and effect.

SECTION 5. Severability. In the event any provision, section, sentence, or clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall remain in full force and effect.

SECTION 6. Effective Date: This Ordinance shall become effective immediately.

ENACTED AND ORDAINED, this _____ day of _____, 2024.

ATTEST:

BOROUGH OF CARROLL VALLEY
COUNCIL

Borough Secretary

Richard Matthews, Council President

Ron Harris, Mayor

MEMORANDUM



TO: PLANNING COMMISSION
FROM: DAVID HAZLETT, BOROUGH MANAGER
SUBJECT: SHORT TERM RENTALS AS ACCESSORY USE
DATE: 5/3/2024
CC: GAYLE MARTHERS

The Borough Council received a request to consider revising the Zoning Ordinance to permit Short-Term Rentals in the R1 District as an Accessory Use. This means the property owner lives at the property in question full-time but offers Short-Term rentals in addition to living there.

Our solicitor has reviewed the idea, and although he thinks the language needs to be carefully written, if it is the will of the Borough to do so, it could accomplish that goal.

BOROUGH of CARROLL VALLEY
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. __-2024

AN ORDINANCE ESTABLISHING REGULATIONS, LICENSING, AND INSPECTIONS FOR LONG-TERM RENTAL PROPERTIES WITHIN CARROLL VALLEY BOROUGH, MINIMUM STANDARDS FOR LONG-TERM RENTAL PROPERTIES, VIOLATIONS AND PENALTIES AND APPEALS.

The Borough Council of Carroll Valley Borough, Adams County, Pennsylvania, enacts and ordains as follows:

Section 1. Chapter 11, Part 1, is deleted in its entirety.

Section 2. The Borough Council of Carroll Valley, Adams County, Pennsylvania, hereby adopts the following Rental Properties Maintenance and Housing Occupancy Ordinance as Chapter 11, Part 1, as follows:

LONG-TERM RENTALS

§ 11-101. Title.

This chapter shall be known and may be cited as the “Long-Term Rental Ordinance of the Borough of Carroll Valley.”

§ 11-102. Definitions

As used in this Chapter, the following terms shall have the following meanings. If a term is not defined in this Chapter but is defined in the Borough’s Property Maintenance/Nuisance Code or Uniform Construction Codes, then that definition shall apply to this Chapter. If a term is not defined in any of those codes but is defined elsewhere in the Borough Code, then the definition in such Chapter shall apply to this Chapter.

APPROPRIATE AUTHORITY – That person within the governmental structure of the corporate unit charged with the administration of the appropriate ordinance.

APPROVED – Approved by the local or state authority having such administrative authority.

ASHES – The residue from the burning of combustible material.

BEDROOM -- A room or space designed for sleeping purposes with two means of egress and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms, and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use, such as a living room, den, sitting room, or similar, is not considered a bedroom.

BOROUGH - The Borough of Carroll Valley.

CODE ENFORCEMENT OFFICER (CEO) -- The Borough-appointed Code Enforcement Officer is responsible for enforcing this Chapter and the Code and any assistants or deputies appointed by the Borough, including police officers. At the discretion of the Borough Council, an independent entity or contractor may be appointed to enforce part or all of this function under this Chapter.

DWELLING – Any enclosed space that is wholly or partly used or to be used for living or sleeping by human occupants.

DWELLING UNIT – One or more rooms, occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family. For the purposes of this Chapter, this term shall be used when referring to dwellings and/or dwelling units, as defined under the Zoning Ordinance, and shall include guesthouses.

EXTERMINATION – The control and elimination of insects, rodents, or other pests by eliminating their harborage places; removing or making inaccessible materials that may serve as their food; by poisoning; spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FAMILY-- One or more individuals related by blood, marriage, or adoption (including persons receiving formal foster care) or up to four (4) total unrelated individuals who maintain a common household and live within one Dwelling Unit, except as provided otherwise in the Code. For this purpose, “related” shall mean persons who are related by blood, marriage, adoption, civil union recognized by any state, or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. “Step” relationships, such as stepmother, shall also be included. “Related” shall not include any relationship further than direct first cousins.

Notwithstanding the above definition, a family shall also be deemed to include any number of mentally or physically disabled persons occupying a dwelling unit as a single, nonprofit housekeeping unit if such occupants are disabled persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a Dwelling Unit in the same manner and to the same extent as any family unit as defined above.

FLUSH WATER CLOSET – A toilet bowl flushed with water under pressure with a water-sealed trap above floor level. Such toilet bowls shall have a smooth, easily cleanable surface.

GARBAGE – Animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.

GUEST – Any person who shares a dwelling unit in a nonpermanent status for no more than 30 days.

HABITABLE ROOM – A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding laundries, furnace rooms, pantries, and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, storage spaces and workshops, hobby, and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

INFESTATION – The presence within or around a dwelling of any insects, rodents or other pests.

LICENSE – The document issued by the Borough of Carroll Valley demonstrating permission to operate a Rental Property in the Borough.

LOCAL CONTACT PERSON — A person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner’s Long-Term Rental. A local contact person is required if the owner resides more than 50 miles from the property,, and must be authorized to act as a legal agent for the Owner. If there is a change in the identity of the local contact person, the Borough must be notified, in writing, within 14 days or prior to the Rental of the property if the Rental occurs within said fourteen-day period.

LONG-TERM RENTAL – Any Residential Dwelling Unit utilized as a single-family residence rented for more than thirty (30) days.

LONG-TERM RENTAL LICENSE – Permission was granted by the Borough to utilize a dwelling unit for long-term rental use.

OCCUPANT – Any person living, sleeping, cooking, or eating in or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units, a guest shall not be considered an occupant.

OPERATOR – Any person who has charge, care, control, or management of a building or part thereof in which dwelling units or rooming units are let.

OWNER – Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; that is recorded in the official records of the state, county, or municipality as holding title to or an interest in the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – Any individual, corporation, partnership, or any other group acting as a unit.

PLUMBING – All of the following supplies, facilities, and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, incinerators, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, shower stalls, clothes-washing machines, catch basins, drains, vents and any other similar supplies and fixtures, together with all connections to water, sewer or gas lines and water pipes and lines, including those utilized in conjunction with air-conditioning equipment.

PREMISES – A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

RENTAL PROPERTY – Any dwelling, dwelling unit, rooming house, or rooming unit occupied by tenant or tenants.

RENTAL PROPERTY AGENT – A person designated by the Owner of a Rental Property to be

responsible for said Rental Property as more fully set forth herein.

ROOMING HOUSE – A building containing a single owner-occupied dwelling unit and guest rooms, where lodging is provided with or without meals for compensation. Businesses commonly referred to as “bed and breakfast inns” are included in this definition.

ROOMING UNIT – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking purposes.

RUBBISH – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY – The condition of being free from danger and hazards which may cause accidents or disease.

SUPPLIED – Paid for, furnished by, provided by, or under the control of the Owner or operator.

TENANT – Any person other than the owner who occupies, resides, or is entitled to occupy or reside in any dwelling or dwelling unit with the permission, express or implied, of the owner or operator of such dwelling or dwelling unit, regardless of whether there is any written or verbal lease therefor or no lease, and regardless of whether such person pays rent or other compensation or consideration to the owner or operator of such dwelling or dwelling unit for the occupancy or right to occupy or reside in such dwelling or dwelling unit.

ZONING ORDINANCE – The Carroll Valley Borough Zoning Ordinance, as amended.

§ 11-103. License Required.

No Owner of any Premises in Carroll Valley Borough shall operate a Long-Term Rental in Carroll Valley Borough without first obtaining a Long-Term Rental License from the Code Enforcement Officer. Operation of a Long-Term Rental without a Long-Term Rental License is a violation of this Chapter.

§ 11-104. License Requirements.

- A. Application requirements. Long-Term Rental License applications shall contain the following information:
 1. The name, address, telephone number, and email address of the Owner. If the Owner is not a full-time resident of the Borough of Carroll Valley or does not live or have a primary physical work address (beyond a post office box) within a fifty-mile radius of the Borough of Carroll Valley, then the Owner shall designate a Person to serve as Rental Property Agent who does reside or have a primary physical work headquarters (beyond a post office box) within a fifty-mile radius of the Borough of Carroll Valley. If the Owner is a corporation, partnership, or similar entity, a Rental Property Agent shall be appointed to meet the above requirements. If the Owner is not required to have or has not designated a Rental Property Agent, then the Owner shall provide a 24-hour

- telephone number. If the Owner uses a Rental Property Agent, that Rental Property Agent shall have written authorization to accept service for the Owner.
2. The name, address, and 24-hour telephone number of the Rental Property Agent.
 3. Total habitable floor space and total number of bedrooms for the Long-term rental.
 4. If the building is a multi-dwelling unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Long-Term Rentals. Each Dwelling Unit in a multi-dwelling unit structure must have a separate Long-Term Rental License.
 5. A site plan showing property lines, driveways, and all structures, including the location and number of on-site parking spaces. An on-site inspection shall be required to verify the availability of parking spaces and their consistency with the submitted site plan.
 6. Septic 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. An inspection of the on-lot sewage disposal system to verify consistency with the submitted site and floor plans may be required.
 7. Signatures of both the Owner and the Rental Property Agent.
 8. Copy of the current recorded Deed for the Premises establishing ownership may be required.
 9. No permit shall be issued to any owner who is delinquent with Borough sewer fees or property taxes for all properties owned, in whole or in part, by the Owner in the Borough. If sewer fees or property taxes become delinquent after the issuance of a Long-Term Rental permit, the permit shall be revoked until such time as the delinquent account is brought current.
 10. Long-term rental owners must provide weekly trash removal. No dumpsters are permitted.
- B. A Long-Term Rental License shall be issued only to the Owner of the Long-Term Rental Premises.
1. A separate Long-Term Rental License is required for each Dwelling Unit; for two-family or multi-family dwellings, a separate License shall be required for each Dwelling Unit being used as a Long-Term Rental.
 2. A Long-Term Rental License is effective for one (1) year or until any of the conditions of the Long-Term Rental governed by this Chapter are changed, whichever shall first occur. A Long-Term Rental License must be renewed annually, and also when any of the conditions of the Long-Term Rental which are governed by this Chapter are changed.

3. The Owner, by making an application for a Long-Term Rental License and/or accepting issuance of a Long-Term Rental License, grants permission for any and all inspections authorized by this part.
4. The Borough shall prescribe forms and procedures for processing License applications under this Ordinance.

§11- 105. Responsibilities of Owners, Rental Property Agent, and Occupants.

- A. No Owner or other person shall occupy or let to another person any Rental Property unless the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the Commonwealth of Pennsylvania and the Borough.
- B. Every Owner of a Rental Property containing two or more Dwelling Units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
- C. Every Occupant of a Rental Property shall maintain in a clean and sanitary condition that part or those parts of the Dwelling, Dwelling Unit, and premises thereof that he occupies and controls.
- D. Every Occupant of a Rental Property shall store and dispose of all rubbish in a clean, sanitary, and safe manner.
- E. Every Occupant of a Rental Property shall store and dispose of all his garbage and any other organic waste that might provide food for insects and/or rodents in a clean, sanitary, and safe manner, and if a container is used for storage pending collection, it shall be rodent-proof, insect-proof and watertight.
- F. Every Owner of a Rental Property containing three or more Dwelling Units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of Rental Property that is a single-family dwelling, it shall be the responsibility of the Owner to furnish such facilities or containers.
- G. Every Owner of a long-term rental shall be responsible for the extermination of insects and rodents on the premises. The Owner must maintain a Dwelling in a rodent-proof or reasonable insect-proof condition.
- H. Every Owner of a Rental Property shall keep all plumbing fixtures therein in operable condition.
- I. From October 1 until April 30, in every Rental Property, when the control of supplied heat is the responsibility of a person other than the Occupant, a temperature of at least 68° F. shall be maintained in all habitable rooms, bathrooms, and water closet compartments.
- J. Every Owner of a Rental Property who resides more than fifty (50) miles from the Borough municipal limits shall designate in writing to the Borough a Rental Property Agent. The Rental Property Agent shall have the authority to act on behalf of the Owner and shall accept service for all notices to be provided hereunder. The use of the words "Owner" and "Rental Property Agent" herein shall be interchangeable. The Rental Property Agent shall be liable for any violation of this Part and shall be subject to prosecution hereunder as if he were the Owner, provided, however,

that the Owner shall be and remain liable for violations of this Chapter whether or not a Rental Property Agent has been appointed and designated.

§11- 106. Minimum Property Maintenance Code Standards for Rental Property.

No person shall occupy as Owner or Occupant or let to another for occupancy any Rental Property, for the purpose of living, which does not comply with the minimum standards set forth in Chapter 10 of the Carroll Valley Borough Code of Ordinances.

§11- 107. Maximum density and minimum space, use, and location requirements.

No person shall occupy or let to be occupied any Rental Property for the purpose of living therein unless there is compliance with the space, use, and location requirements set forth in Chapter 27 of the Carroll Valley Borough Code of Ordinances.

§11- 108. Rooming Houses and Rooming Units.

No Person shall operate a Rooming House or shall occupy or let to another for occupancy any Rooming Unit in any Rooming House which is not in compliance with the provisions of this chapter. No Owner or other person shall occupy or let to another person any Rooming Unit unless it is clean and sanitary and complies with all applicable requirements of the Borough, including the following:

- A. No Person shall operate a Rooming House unless he holds a valid occupancy permit issued by the appropriate authority in the name of the operator and for the specific Dwelling or Dwelling Unit. The Operator shall apply to the appropriate authority upon compliance by the Operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. The permit shall not be transferable.
- B. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Code Enforcement Officer and in good working condition, shall be supplied for every six persons or fraction thereof residing within a Rooming House, including members of the Operator's family wherever they share the use of said facilities.

§11- 109. Fire Safety Requirements

- A. Every dwelling unit shall contain at minimum one-(1) functioning carbon monoxide detector. The Owner shall provide a carbon monoxide detector that is either separate from the required smoke alarm(s) or is part of a combined unit. All carbon monoxide detectors shall be tested in accordance with the manufacturer's instructions. The Occupant shall have the duty and responsibility to notify the owner of any defect(s). The Owner shall have the duty and responsibility of remedying any defect after receiving notice of the defect. All carbon monoxide detectors shall be kept in proper working condition at all times and shall be replaced after being in service for a period of ten years or becoming defective/inoperable, whichever comes first.
- B. Every dwelling unit shall consist of at minimum one (1) functioning fire extinguisher. Any dwelling unit shall have a portable fire extinguisher with a minimum rating of 2-A:10-B:C. The Owner shall

provide portable fire extinguishers and shall mount, locate, and identify them so that they are readily accessible to occupants without subjecting the occupants to possible injury. The Owner shall ensure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use. Fire extinguishers shall be clearly located where they shall be readily accessible and immediately available in the event of fire.

- C. Smoke detectors in each bedroom.
- D. Smoke detectors outside each bedroom in common hallways.
- E. Smoke detectors on each floor.
- F. GFI outlets for outlets located within six feet of a water source.
- G. Aluminum or metal exhaust from the dryer, if provided for tenant use.

§11- 110. Inspections, Licensing, and Enforcement.

- A. The Code Enforcement Officer is hereby authorized and directed to inspect and License all Rental Property subject to the provisions of this chapter.
- B. The Code Enforcement Officer shall inspect each Rental Property in the Borough to determine compliance with this chapter once every two years pursuant to a reasonable schedule to be established by such officer or in response to a complaint that an alleged violation of the provisions of this chapter or of applicable rules or regulations pursuant thereto has been committed, or when the Code Enforcement Officer has a valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been committed, or upon the change of tenant or transfer of ownership of the entire property.
- C. The Code Enforcement Officer is authorized and directed to make inspections at any reasonable hour to determine compliance with this chapter.
- D. The Code Enforcement Officer is hereby authorized to inspect the Premises surrounding any Rental Property subject to this chapter for the purpose of determining whether there is compliance with its provisions.
- E. The Code Enforcement Officer and the Owner or Occupant may agree to an inspection by appointment at a time other than the hours provided by this chapter. The Owner, Rental Property Agent, or person in charge must be present at all times during the inspection.
- F. The Owner or Occupant, upon presentation of proper identification by the Code Enforcement Officer, shall give the Code Enforcement Officer entry and free access to every part of the Rental Property or to the surrounding premises.
- G. If any Owner or Occupant refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this part is sought, the Borough may seek, in a court of competent jurisdiction, an order that such Owner or

Occupant cease and desist with such interference. Such person may also be liable for such fines and criminal penalties as set forth in other sections of this chapter.

- H. The Code Enforcement Officer and the Borough shall have the authority to institute any action permitted by law to enforce the provisions of this chapter.
- I. Any inspection scheduled pursuant to any provision of this Part may be canceled one time by contacting the Borough Office during normal business hours at least 48 hours in advance of the scheduled inspection. Failure to comply with these procedures for canceling or canceling the inspection more than one time shall result in the imposition of a cancellation fee.

§11- 111. Notification of transfer of Ownership.

Every Person owning a Rental Property shall give notice, in writing, to the Code Enforcement Officer within 24 hours after having transferred or otherwise disposed of the legal control of any Rental Property. Such notice shall include the name and address of the person or persons succeeding to the Ownership or control of such Rental Property.

§11- 112. Action upon finding violations.

Whenever, upon inspection of the Rental Property or of the records required to be kept by this chapter, the Code Enforcement Officer finds that conditions or practices exist that are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, the Code Enforcement Officer or the Borough shall serve the Owner with notice of such violation in a manner hereinafter provided. Such notice shall state that unless the violations cited are corrected within the time provided, the Owner shall be subject to penalties provided by this part.

§11- 113. Notice of violation.

- A. Whenever the Code Enforcement Officer determines that a Rental Property or the surrounding premises fails to meet the requirements set forth in this part or in applicable rules and regulations issued pursuant hereto, the Code Enforcement Officer or other Borough designee shall issue a notice setting forth the alleged failures and advising the Owner or Occupant or other person in charge that such failures must be corrected. This notice shall:
 - 1) Be in writing.
 - 2) Set forth the alleged violations of this part or of applicable rules and regulations issued pursuant thereto.
 - 3) Describe the Rental Property or Dwelling, Dwelling Unit, Rooming Unit, or Premises where the violation is alleged to exist or to have been committed.
 - 4) Provide a reasonable time for the correction of any violation alleged. The time for compliance shall take into consideration the seriousness of the violation and the climatic conditions.
 - 5) Be served upon the Owner or Occupant or other person in charge of the Rental Property or Dwelling, Dwelling Unit, Rooming Unit or Premises personally, or by mail, addressed to the last

known place of residence of the Owner or Occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting a notice in or about the dwelling, dwelling unit, rooming unit, or premises described in the notice or by causing such notice to be published in a newspaper of general circulation.

- 6) Be served upon the Rental Property Agent for the receipt of such service of notice designated pursuant to this part.
- B. The owner of every rental property must file a property registration with the Borough Office each year between January 1 and January 31. All Owners must comply with the registration requirements and provide the names and addresses of the Owner and/or Rental Property Agent along with other needed information. All licenses, permits, and inspections must be completed before March 1 each year or are in violation of this Part.
- C. At the end of the period of time allowed for the correction of any violation alleged, the Code Enforcement Officer shall reinspect the Rental Property described in the notice. Failure to have all violations corrected shall result in the revocation of any License and/or the determination that the Owner is operating a Rental Property without a License and in violation of this Part.

§11- 114. Fees and charges.

All fees and charges for licensing and inspection due and unpaid under this chapter shall be recovered by the Borough as other debts due the Borough are now recovered and shall constitute a municipal claim.

§11- 115. Violations and penalties.

Any Owner or Occupant or other person in charge of a Rental Property who has received notice of a violation of this chapter and fails to take the necessary corrective action shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 or not more than \$1,000 together with the costs of prosecution and, in default thereof, be sentenced to imprisonment in the Adams County Prison for a period of not more than 30 days. Each day of continued violation shall constitute a separate offense.

§11- 116. Appeals.

Any Person aggrieved by a determination that a Rental Property violates this chapter as applied hereunder may appeal the determination to the Building Appeals Board, as defined and provided for in Chapter 10.

§11- 117. Inspection, licensing, and cancellation fees.

- A. An annual registration fee shall be imposed and shall be established by the Carroll Valley Borough Council from time to time by resolution.
- B. An inspection fee shall be established by the Carroll Valley Borough Council from time to time by resolution.
- C. A re-inspection fee shall be established by the Carroll Valley Borough Council from time to time by resolution and shall be imposed when a violation is discovered, and a return trip to the property by

the Borough is necessary.

- D. A cancellation fee is hereby imposed in and for the following occurrences: canceling any inspection more than one time where such inspection has been scheduled in accordance with this part and canceling any scheduled inspection without following the procedures set forth in this part. Cancellation fees shall be established by the Carroll Valley Borough Council from time to time by resolution.

§11- 118. Mandatory Inspection upon change of tenant.

- A. Unless an inspection has been completed in the last six (6) months, prior to renting to a new Tenant, the Owner shall contact the Code Enforcement Officer and make satisfactory arrangements to have an inspection when the Rental Property or applicable Dwelling Unit or Housing Unit is vacant and prior to the occupancy of the Rental Property by the new Tenant. Failure by the Owner to do so shall constitute a violation of this part. Each and every day that a violation continues shall constitute a separate violation of this part, subject to the fines and penalties set forth in this part.
- B. Nothing in this part shall be construed to prevent the Code Enforcement Officer from inspecting any Rental Property at any time upon complaint and by invitation by the Tenant or Tenant's authorized agent.

§11- 119. Conflict with other provisions.

In any case, where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the Borough existing on the effective date of the ordinance, the provision which establishes a higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where the provision of this part is found to be in conflict with a provision of any other ordinance or code of the Borough existing on the effective date of this part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this part shall prevail, and such other ordinances or codes are hereby declared and repealed to the extent that they may be found in conflict with this part.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Council of the Borough of Carroll Valley hereby declares that it would have passed this ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 4. All Ordinances or parts thereof that are inconsistent herewith are hereby repealed and amended.

Section 4. Effective Date. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage and adoption.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF CARROLL VALLEY THIS ____ DAY OF _____, 20__.

ATTEST:

BOROUGH OF CARROLL VALLEY

Secretary

Council President

Seal

Mayor

MEMORANDUM

Memo to: Carroll Valley Borough Council

Memo from: Brandon Guiher, P.E.
Dominic Picarelli, Environmental Planner

Subject: Proposed Subdivision & Land Development Ordinance Changes

Date: May 2, 2024

cc: Dave Hazlett, Borough Manager

As requested, we have reviewed the current Subdivision and Land Development Ordinance to determine what section(s) should be considered for updating. The following is a list of section(s) that should be considered when updating the ordinance:

1. The definition section should be reviewed for consistency with the Pennsylvania Municipalities Code (MPC) and adding any definitions that are not currently in the ordinance. (Part 2)
2. Section 22-338. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval & Section 22-339. Release from Improvement Bond. These sections should be reviewed for consistency with the Pennsylvania Municipalities Code (MPC).
3. Sections 22-402. Preliminary Plan Requirements, Section 22-403. Preliminary Plan Data Requirements & Section 22-404. Supplementary Data for Preliminary Plan. These sections should be reviewed, updated and additional information should be added that is required for all Subdivision & Land Development Plans.
4. Sections 22-406. Final Plan Requirements & Section 22-407. Supplementary Data for Final Plan. These sections should be reviewed, updated and additional information should be added that is required for all Subdivision & Land Development Plans.
5. Section 22-525. Street Grades & Section 22-527. Vertical Curves. These sections have greater grades and vertical curves than we typically permit.

6. Part 7. Administration, Amendments and Enforcement should be reviewed for consistency with the Pennsylvania Municipalities Code (MPC).
7. The following are sections that should be added to the Ordinance:
 - a. As-Built plan requirements.
 - b. Required Easements.
 - c. Land grading requirements.
 - d. Water resource impact study.
 - e. Landscaping requirements.
 - f. Mobile homes and mobile home parks as required by the Pennsylvania Municipalities Code (MPC).