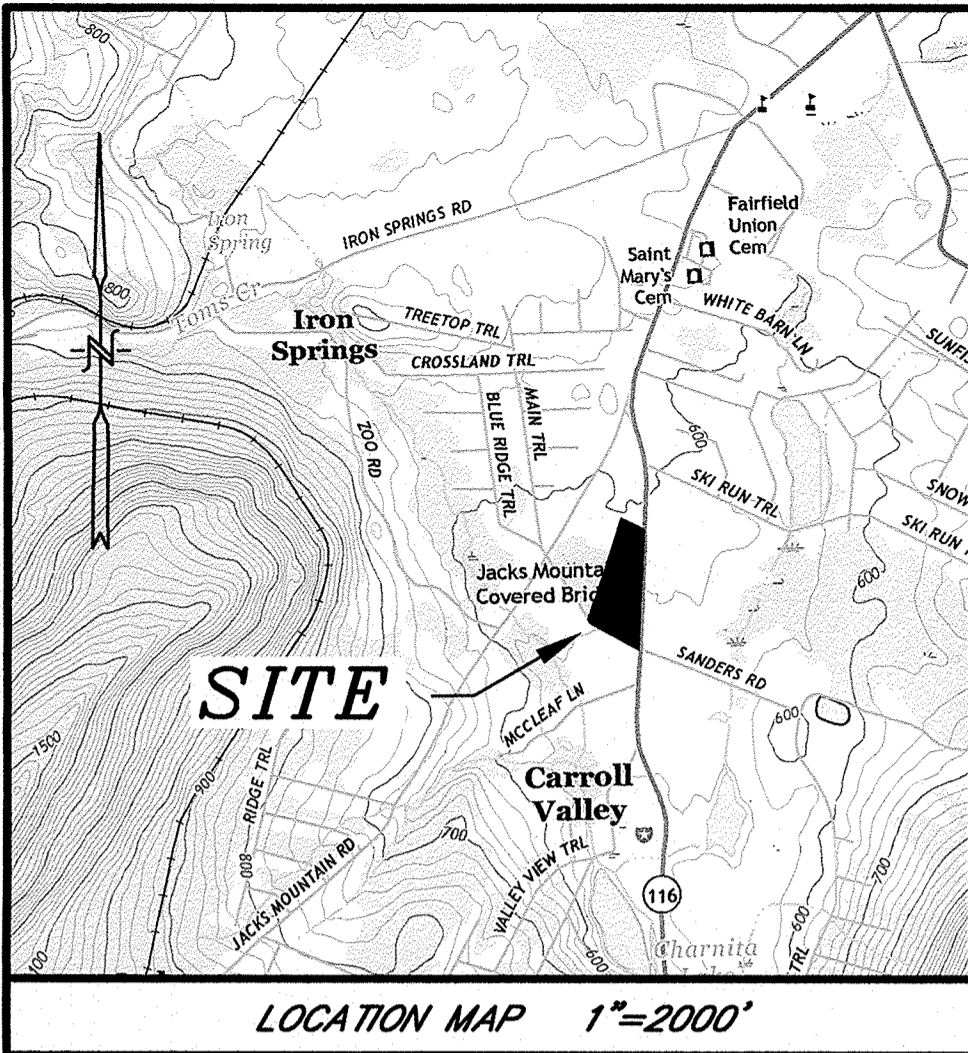


**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING
Monday, August 7, 2023 – 7:00 P.M.
Borough Office**

A G E N D A

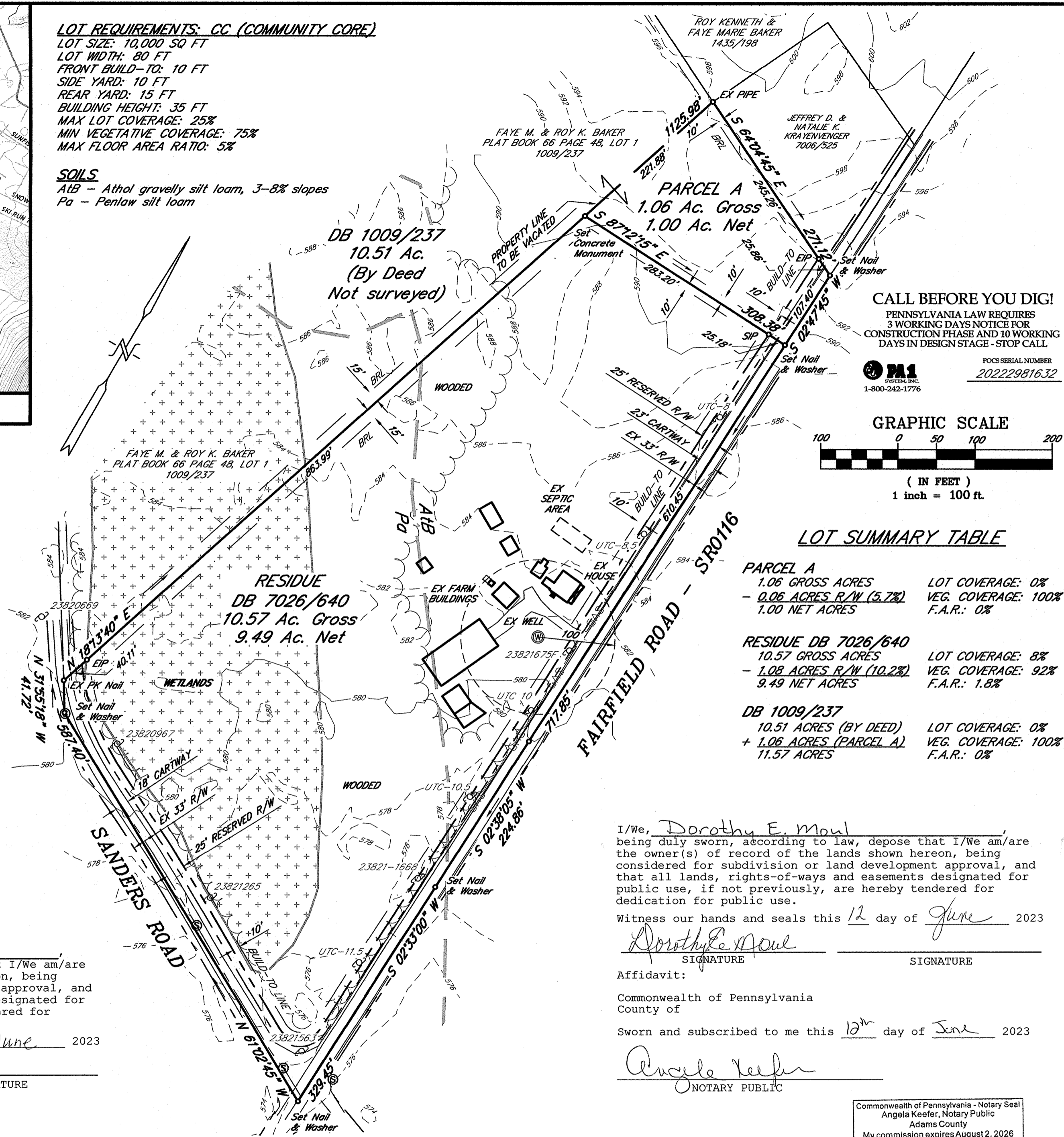
- A. Approval of Meeting Minutes**
 - A. Minutes of the June 5, 2023 meeting
- B. Open to the Public**
- C. New Business**
 - A. Moul Subdivision Review
- D. Old Business**
 - A. Ordinance Revising Chapter 27: Zoning regarding Placement of Accessory Structures and Permit requirements for Home Occupations and No-Impact Home-Based Businesses
 - B. Ordinance Revising Chapter 27: Zoning regarding Short-Term Rentals
- E. Adjournment**



LOT REQUIREMENTS: CC (COMMUNITY CORE)
 LOT SIZE: 10,000 SQ FT
 LOT WIDTH: 80 FT
 FRONT BUILD-TO: 10 FT
 SIDE YARD: 10 FT
 REAR YARD: 15 FT
 BUILDING HEIGHT: 35 FT
 MAX LOT COVERAGE: 25%
 MIN VEGETATIVE COVERAGE: 75%
 MAX FLOOR AREA RATIO: 5%

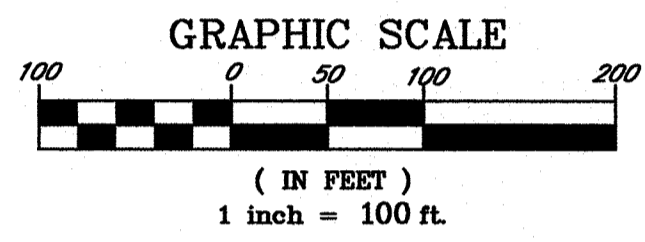
SOILS
 AtB - Athol gravelly silt loam, 3-8% slopes
 Pa - Penlaw silt loam

- NOTES**
1. Zoned CC, Community Core.
 2. The purpose of this plan is to create Parcel A and Residue from lands of Dorothy E. Moul, Deed Book 7026 Page 640.
 3. Parcel A must be combined with lands of Faye M. & Roy K. Baker, Deed Book 1009 Page 237 and may not be sold separately.
 4. EX denotes existing.
 5. EIP denotes existing iron pin.
 6. All corners are set iron pins (SIP) unless otherwise noted.
 7. BRL denotes building restriction line.
 8. Contours are from PASDA lidar mapping, NAVD88 datum.
 9. The site is not in a flood hazard area according to FEMA Map Panel No. 42001C0219E, dated July 22, 2020, Zone X.
 10. Wetlands are shown on the site per the National Wetlands Inventory Map.
 11. 25' from the centerline of Sanders Road is reserved for future road widening.
 12. 25' from the centerline of Fairfield Road SR0116 is reserved for future road widening.
 13. Only the Moul property, DB 7026/640, was surveyed. The acreage shown for the Baker property, DB 1009/237, is by deed only.



CALL BEFORE YOU DIG!
 PENNSYLVANIA LAW REQUIRES
 3 WORKING DAYS NOTICE FOR
 CONSTRUCTION PHASE AND 10 WORKING
 DAYS IN DESIGN STAGE - STOP CALL

POCS SERIAL NUMBER
20222981632
 M1 SYSTEMS, INC.
 1-800-242-1776



LOT SUMMARY TABLE

| | |
|---|---|
| PARCEL A 1.06 GROSS ACRES - 0.06 ACRES R/W (5.7%) 1.00 NET ACRES | LOT COVERAGE: 0% VEG. COVERAGE: 100% F.A.R.: 0% |
| RESIDUE DB 7026/640 10.57 GROSS ACRES - 1.08 ACRES R/W (10.2%) 9.49 NET ACRES | LOT COVERAGE: 8% VEG. COVERAGE: 92% F.A.R.: 1.8% |
| DB 1009/237 10.51 ACRES (BY DEED) + 1.06 ACRES (PARCEL A) 11.57 ACRES | LOT COVERAGE: 0% VEG. COVERAGE: 100% F.A.R.: 0% |

Donna K. Schadel, POA,
 I/We, Faye M. & Roy K. Baker
 being duly sworn, according to law, depose that I/We am/are
 the owner(s) of record of the lands shown hereon, being
 considered for subdivision or land development approval, and
 that all lands, rights-of-ways and easements designated for
 public use, if not previously, are hereby tendered for
 dedication for public use.
 Witness our hands and seals this 12 day of June 2023

Donna K. Schadel POA
 SIGNATURE SIGNATURE
 Affidavit:
 Commonwealth of Pennsylvania
 County of Adams
 Sworn and subscribed to me this 12 day of June 2023

Angela Keef
 NOTARY PUBLIC
 Commonwealth of Pennsylvania - Notary Seal
 Angela Keef, Notary Public
 Adams County
 My commission expires August 2, 2026
 Commission number 1336811
 Member, Pennsylvania Association of Notaries

I/We, Dorothy E. Moul
 being duly sworn, according to law, depose that I/We am/are
 the owner(s) of record of the lands shown hereon, being
 considered for subdivision or land development approval, and
 that all lands, rights-of-ways and easements designated for
 public use, if not previously, are hereby tendered for
 dedication for public use.

Witness our hands and seals this 12 day of June 2023
 Dorothy E. Moul
 SIGNATURE SIGNATURE

Affidavit:
 Commonwealth of Pennsylvania
 County of Adams
 Sworn and subscribed to me this 12th day of June 2023
 Angela Keef
 NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
 Angela Keef, Notary Public
 Adams County
 My commission expires August 2, 2026
 Commission number 1336811
 Member, Pennsylvania Association of Notaries

NON-BUILDING WAIVER
 As of the date of this deed/plot plan recording, PARCEL A described herein is and shall be dedicated for the express purpose of LOT ADDITION use. No portion of this property/subdivision has been approved by CARROLL VALLEY BOROUGH or the Department of Environmental Protection (DEP) for the installation of sewage disposal facilities. No sewage permit will be issued for the installation, construction, connection to or use any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Section 750.1 et seq.) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of CARROLL VALLEY BOROUGH, which is charged with administering the Sewage Facilities Act to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals.



R LEE ROYER & ASSOCIATES
 SURVEYING
 PENNSYLVANIA - MARYLAND
 10764 BUCHANAN TRAIL EAST
 WAYNESBORO, PA 17268
 717-762-5619
SHEET 1 OF 2

| | |
|--------------------|--|
| Area 11.63 Ac. | |
| Scale 1" = 100' | |
| Date 5/31/23 | |
| Drawn DCS | |
| Checked PLB | |
| File 8764 | |

THIS PLAN IS RECORDED IN ADAMS COUNTY COURTHOUSE
 IN PLAT BOOK: _____ PAGE: _____

DATE: _____
ADAMS COUNTY PLANNING
 Approved or Reviewed by the Adams County
 Planning Commission
 this _____ day of _____ 2023
 CHAIRMAN _____ DIRECTOR _____

CARROLL VALLEY BOROUGH PLANNING
 Approved or Reviewed by the
 Carroll Valley Borough Planning Commission
 this _____ day of _____ 2023
 CHAIRMAN _____ DIRECTOR _____

**APPROVED FOR THE CARROLL VALLEY BOROUGH
 COUNCIL IN ACCORDANCE WITH CHAPTER 22,
 SECT. 352 OF THE BOROUGH CODE.**
 BOROUGH MANAGER _____ DATE _____

SURVEYORS CERTIFICATE
 I hereby certify that this survey and plan are correct

 Registered Surveyor No. 28856-E

OWNER:
 Dorothy E. Moul
 375 Heritage Drive
 Gettysburg, PA 17325
 Deed recorded in Adams County
 Deed Book 7026 Page 640
 Plat Book 66 Page 48, Lot 2
 Parcel ID 43005-0096

OWNER:
 Faye M. & Roy K. Baker
 Jacks Mountain Road
 Fairfield, PA 17320
 Deed recorded in Adams County
 Deed Book 1009 Page 237
 Plat Book 66 Page 48, Lot 1
 Parcel ID 43005-0098

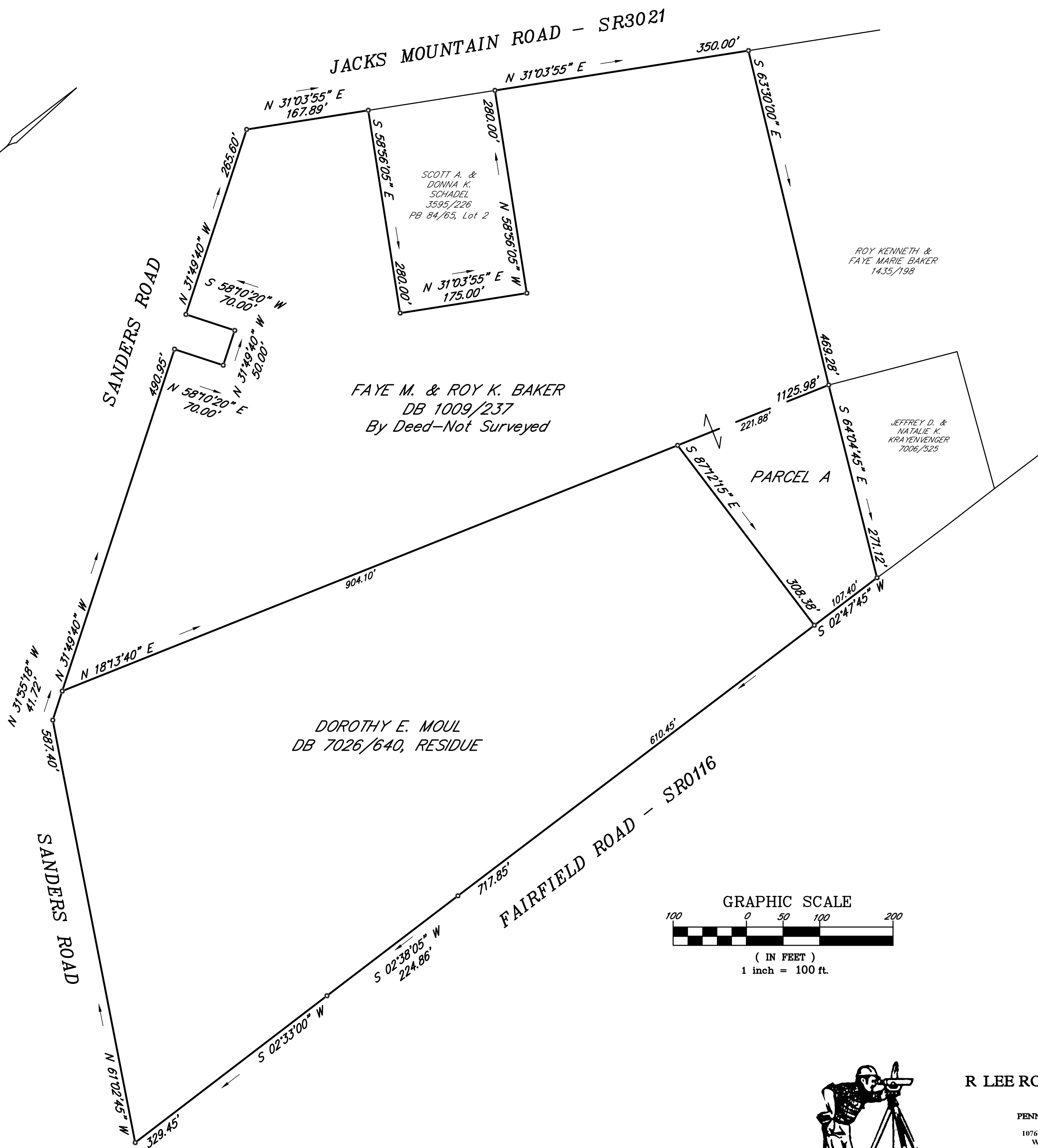
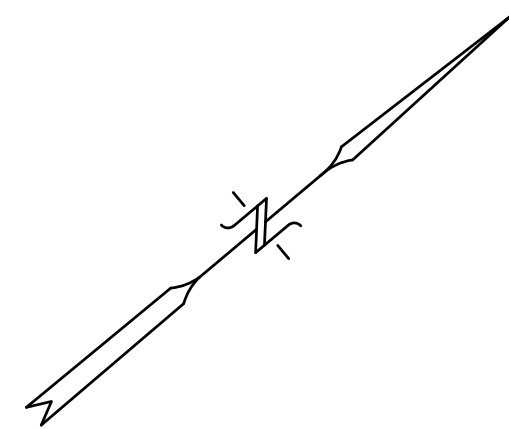
DEVELOPER:
 Dennis & Dorothy Moul
 375 Heritage Drive
 Gettysburg, PA 17325
 (717) 877-6101

- APPROVAL LIST**
- 1) ADAMS COUNTY PLANNING
 - 2) CARROLL VALLEY BOROUGH PLANNING COMMISSION
 - 3) CARROLL VALLEY BOROUGH COUNCIL

SHEET INDEX
 SHEET 1- SUBDIVISION PLAN
 SHEET 2- INDEX MAP

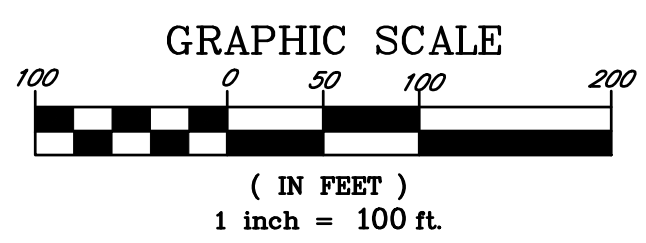
| Record of Revisions | | |
|---------------------|----------|------------------------------------|
| Date | Initials | Revision Made |
| 3 AUG 2023 | DCS | COUNTY PLANNING, ENGINEER COMMENTS |

PRELIMINARY / FINAL PLAT
 OF
SUBDIVISION OF LAND
 FOR
DOROTHY E. MOUL
 SITUATE IN
CARROLL VALLEY BOROUGH
ADAMS COUNTY
PENNSYLVANIA



| Record of Revisions | | |
|---------------------|----------|---------------|
| Date | Initials | Revision Made |
| | | |
| | | |
| | | |

INDEX MAP
OF
SUBDIVISION OF LAND
FOR
DOROTHY E. MOUL
SITUATE IN
CARROLL VALLEY BOROUGH
ADAMS COUNTY
PENNSYLVANIA



R LEE ROYER & ASSOCIATES
SURVEYING
PENNSYLVANIA - MARYLAND
10764 BUCHANAN TRAIL EAST
WAYNESBORO, PA 17268
717-762-5619

SHEET 2 OF 2

| | |
|---------|-----------|
| Area | 11.63 Ac. |
| Scale | 1" = 100' |
| Date | 5/31/23 |
| Drawn | DCS |
| Checked | |
| File | 8764 |



R. Lee Royer & Associates

Professional Land Surveying · PA - MD

10764 Buchanan Trail East, Waynesboro, PA 17268-9496

Ph. 717- 762-5619 Fax 717-762-8211

Email: leeroyerassociates@comcast.net

August 3, 2023

Carroll Valley Borough Council
5685 Fairfield Road
Fairfield, PA 17320

Re: Dorothy E. Moul Subdivision Plan Review

Dear Council,

In reference to KPI's comments dated August 1, 2023 we offer the following:

Zoning

1. We have added maximum lot coverage amount to the lot requirements table and proposed lot coverage totals for the Baker and Moul lots.

Subdivision

2. We have addressed Adams County Planning comments.
3. We will submit a consolidation deed which will be recorded after subdivision approval.
4. A certificate of approval for the Carroll Valley Planning Commission has been added.
5. Intermediate contour lines have been labeled.
6. Tree masses/tree lines have been added.
7. A concrete monument will be installed on a common property corner as shown on the plan.
8. Acknowledged.

Thank you for your time in this matter and if you have any questions please contact us here at the office.

Sincerely,

R. Lee Royer, PLS

Cc: Brandon Guiher, KPI Technology
Leah Heine, KPI Technology
Dorothy E. Moul, Developer

MEMORANDUM

Memo to: Carrol Valley Borough

Memo from: Brandon Guiher, P.E. *BG*
Leah Heine, Engineering Technician

Subject: Subdivision and Land Development Plan Review
Dorothy E. Moul
Preliminary/Final Subdivision Plan
2-lots – CC District – Fairfield Road
Plan date: May 31, 2023

Date: August 1, 2023

cc: R. Lee Royer, PLS
PMCA
Dorothy Moul, Owner/Developer – 375 Heritage Drive, Gettysburg

The plan proposes the reconfiguration/lot addition of two (2) existing lots, located at the northern intersection of Fairfield Road, Sanders Road and Jack's Mountain Road. The plan proposes that a one (1) acre parcel (Parcel A) be taken from the Dorothy Moul property and added to the property owned by Faye M. & Roy K. Baker. Following subdivision the Moul Residue lot will contain 9.49 acres and the new Baker lot will contain 11.57 acres. All existing and proposed lots are located in the Community Core (CC) zoning district. No improvements are proposed with this plan. From our review we note the following items:

Zoning Ordinance Comments

(Comments of the engineer regarding zoning are subject to review or interpretation of the Zoning Officer and Township Solicitor.)

1. The lot requirements table should include maximum lot coverage amounts along with the existing and proposed lot coverage totals. (804.G.1) In this regard, the gross and net areas of the Baker and Moul lots should be noted for both before and after subdivision.

Subdivision Ordinance Comments

2. Adams County Planning comments should be considered. (301)
3. A Deed of Consolidation needs to be approved and recorded. (352.1.B)

4. A certificate of approval needs to be added for the borough planning commission.(406.N)
5. Intermediate contour lines should be labeled. (403.K)
6. Tree masses/ tree lines should be indicated on the plans. (403.N)
7. A monument should be installed on a common property corner in accordance with section 602.I.
8. Sewage Facilities Planning approval (non-building waiver) is required. (569)

CARROLL VALLEY BOROUGH
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. __-2023

AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY AMENDING CHAPTER 27 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES TO: MODIFY REGULATIONS PERTAINING TO PLACEMENT OF ACCESSORY STRUCTURES ON RESIDENTIAL LOTS; TO REQUIRE PERMITS FOR HOME OCCUPATIONS AND NO-IMPACT HOME-BASED BUSINESSES; AND TO REAFFIRM CHAPTER 27 AS AMENDED AND SET FORTH AN EFFECTIVE DATE.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code (“MPC”) 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 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 1405 of Chapter 27 of the Code of Ordinances is hereby deleted and replaced in its entirety with the following:

Section 1405: Accessory Buildings

Accessory buildings shall be permitted in accordance with the following requirements.

- A. Accessory buildings or structures shall only be authorized as an accessory to a principal building or use. Any parcel not containing a primary structure is not permitted to have an accessory building or accessory structure.
- B. Accessory buildings not permanently affixed to the land via footer/foundation and less than or equal to four hundred (400) square feet in size shall be located no closer than ten (10) feet to any side or rear property line and are not permitted within the front yard.
- C. Accessory buildings not permanently affixed to the land via footer/foundation and greater than four hundred (400) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district and are not permitted within the front yard.
- D. Accessory buildings permanently affixed to the land via footer/foundation and less than or equal to four hundred (400) square feet in size shall be located no closer

than ten (10) feet to any side or rear property line and are not permitted within the front yard.

- E. Accessory buildings permanently affixed to the land via footer/foundation and greater than four hundred (400) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district and may be located within the front yard.
- F. Regardless of size, no accessory structure can be located within the front yard area between the primary structure and the public street.
- G. All accessory buildings shall be subject to the building height standard of the underlying zoning district.

SECTION 2. Section 1501.P of Chapter 27 of the Code of Ordinances is hereby amended by adding the following:

6. Permit Required.

- A. Requests for a permit for a Home Occupation/Home-Based Business Permit shall be made to the Borough Code Enforcement Officer, setting out the applicant's plan for complying with this and all applicable ordinances and showing how the applicant meets the criteria for a Home Occupation/Home-Based Business Permit. The applicant shall agree by signature on the permit to the terms of the permit.
- B. If the Borough Code Enforcement Officer issues a permit, such permit shall be valid for a period of 2 years provided that the permittee continues to meet all criteria for a Home Occupation/Home-Based Business Permit. Any permit issued pursuant to this Section must be renewed every 2 years and is non-transferable. The Code Enforcement Officer may revoke the permit upon 30 days' notice if the permittee fails to meet the criteria for a home occupation permit.
- C. Application fees shall be charged to and paid by the applicant at the time application is made. The amount of such application fees shall be determined by a resolution adopted by the Borough Council. The cost, once adopted by resolution of the Borough Council, shall remain in effect until a succeeding resolution establishing new rates is adopted.

SECTION 3. Section 1501.U of Chapter 27 of the Code of Ordinances is hereby amended by adding the following:

9. Permit Required.

- A. Requests for a permit for a Home Occupation/Home-Based Business Permit shall be made to the Borough Code Enforcement Officer, setting out the applicant's plan for complying with this and all applicable ordinances and showing how the applicant meets the criteria for a Home Occupation/Home-Based Business Permit. The applicant shall agree by signature on the permit to the terms of the permit.
- B. If the Borough Code Enforcement Officer issues a permit, such permit shall be valid for a period of 2 years provided that the permittee continues to meet all criteria for a Home Occupation/Home-Based Business Permit. Any permit issued pursuant to this Section must be renewed every 2 years and is non-transferable. The Code Enforcement Officer may revoke the permit upon 30 days' notice if the permittee fails to meet the criteria for a home occupation permit.
- C. Application fees shall be charged to and paid by the applicant at the time

application is made. The amount of such application fees shall be determined by a resolution adopted by the Borough Council. The cost, once adopted by resolution of the Borough Council, shall remain in effect until a succeeding resolution establishing new rates is adopted.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this ____ day of _____ 2023.

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

ATTEST:

Richard Mathews, Council President

Gayle R. Marthers, Borough Secretary

Ronald J. Harris, Mayor

CARROLL VALLEY BOROUGH
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. __-2023

AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 11 OF THE CARROLL VALLEY BOROUGH CODE OF ORDINANCES, ADDING A PART 2 TO REGULATE SHORT-TERM RENTALS.

BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CARROLL VALLEY, ADAMS COUNTY, PENNSYLVANIA, THAT CHAPTER 11 WILL BE AMENDED TO THE CARROLL VALLEY BOROUGH CODE OF ORDINANCES AS FOLLOWS:

WHEREAS, Short-Term Rentals of Dwellings have become a significant segment of the local tourism economy, and

WHEREAS, Short-Term Rentals of Dwellings provide a community benefit by expanding the number and type of lodging facilities available and assist Owners of single-family homes by providing revenue which may be used for maintenance, upgrades, and deferred costs; and

WHEREAS, while the majority of these Short-Term Rentals operate without a problem, there have been numerous complaints to the Borough regarding excessive noise, parking, litter, and concerns regarding security, public safety, and trespass; and

WHEREAS, the transitory nature of Occupants of Short-Term Rentals makes enforcement against the Occupants difficult; and

WHEREAS, the provisions of this Ordinance are necessary to prevent the continued burden on Borough and community services and impacts on residential neighborhoods posed by Short-Term Rentals; and

WHEREAS, the provisions of this Ordinance are necessary to provide for a system of inspections, the issuance and renewal of licenses, and to establish penalties for violations.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Carroll Valley Borough, Adams County, Pennsylvania, pursuant to the above authority, as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as “The Short-Term Rental Ordinance of Carroll Valley Borough.”

SECTION 2. AMENDMENT OF CHAPTER 11.

Part 2 of Chapter 11, entitled: “SHORT-TERM RENTALS,” is hereby created and added to the Code of Ordinances of Carroll Valley Borough to provide as follows:

Part 2
SHORT-TERM RENTALS

§ 204-1. Title.

This Chapter shall be known and may be cited as “The Short-Term Rental Ordinance of Carroll Valley Borough.”

§ 204-2. Authority.

Under the authority of the Pennsylvania Borough Code (including, but not limited to, Articles XII, XXXII-A, and XXXIII of such law including, but not limited to, Section 1202 subsections (1), (3), (4), (5), (8), (14) (15) (20) (61) and (65), Section 3204-A, and Section 3108), the following new ordinance text is hereby adopted as Part 2 of Chapter 11 in the Codified Ordinances of Carroll Valley Borough.

§ 204-3. Scope.

The provisions of this Chapter shall apply to all residential Dwelling Units, conversions of nonresidential structures to residential dwellings, and all existing Premises within the Borough of Carroll Valley. The Owner of the subject Premises shall be responsible for compliance with the provisions of this Chapter, and the Owner, Manager, or renting occupants’ failure to comply with this Chapter’s requirements shall be deemed noncompliance by the Owner.

§ 204-4. 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.

BEDROOM -- A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the building code) 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 to be considered a bedroom.

CODE ENFORCEMENT OFFICER (CEO) -- The Borough-appointed Code Enforcement Officer(s) has the duty to enforce this Chapter and the Code and any assistants or deputies appointed by the Borough. 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 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.

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 shall also be included, such as stepmother. “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.

LOCAL CONTACT PERSON — A person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner’s Short-Term Rental. A local contact person must be able to respond and arrive at the Short-Term Rental property within one hour of notice 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.

SHORT-TERM RENTAL – Any Residential Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of not less than one (1) day and not more than thirty (30) days and which is registered with the Adams County Treasurer’s Office in compliance with County Ordinance No. 3 of 2012 for the payment of Hotel Room Rental Tax, as may be reenacted or amended.

SHORT-TERM RENTAL LICENSE – Permission granted by the Borough to utilize a Dwelling Unit for Short-Term Rental use.

§ 204-5. License Required.

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

§ 204-6. License Requirements.

- A. Application requirements. Short-Term Rental License applications shall contain all of 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 twenty-mile radius of the Borough of Carroll Valley and within the Commonwealth of Pennsylvania, then the Owner shall designate a Person to serve as Manager who does reside or have a primary physical work headquarters (beyond a post office box) within a twenty-mile radius of the Borough of Carroll Valley. If the Owner is a corporation, partnership, or similar entity, a Manager shall be appointed meeting the above requirements. If the Owner is not required to have or has not designated a Manager, then the Owner shall provide a 24-hour telephone number. If the Owner uses a Manager, that Manager shall have written authorization to accept service for the Owner.
2. The name, address, and 24-hour telephone number of the Manager.
3. Floor plans for the Short-Term Rental, including total habitable floor space and total number of bedrooms.
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 Short-Term Rentals. Each Dwelling Unit in a multi-dwelling unit structure is required to have a separate Short-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 will be required to verify available parking spaces and consistency with the submitted site plan.
6. If the property is not on the Borough Sewer system, the location, approximate age, and capacity of the sewage disposal system must be provided.
7. 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.
8. Copies of the current Adams County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
9. Signatures of both the Owner and the Manager.
10. Consent for inspection of the property by the Code Enforcement Officer to verify compliance with the conditions of the Short-Term Rental application.
11. Trespass Waiver signed by the Owner allowing access to the Premises for the Code Enforcement Officer and the Rental Housing Inspector for the purpose of inspection to verify compliance with this Ordinance.
12. Copy of the current recorded Deed for the Premises establishing ownership.

13. Evidence that there are no delinquent Borough sewer fees for all properties owned, in whole or in part, by the Owner in the Borough.
 14. A copy of a contract with a solid waste hauler to remove solid waste from the Short-Term Rental Premises. Short-Term Rental Premises are not included in the Borough’s municipal solid waste collection contract; Short-Term Rental Premises must have a private solid waste hauler with weekly pick-up. No dumpsters are permitted.
 15. Evidence that there are no delinquent Adams County Hotel Room Excise Tax or Pennsylvania sales/use taxes due and owing with respect to Short-Term Rentals or all properties owned, in whole or in part, by the Owner in the Borough.
 16. Certificate of Insurance evidencing that at least \$500,000.00 in general liability insurance is in effect with respect to the Short-Term Rental, issued by an insurance company licensed to do business in Pennsylvania, which shall be maintained in full force and effect by the Owner for the entire period the Short-Term License is in effect.
- B. A Short-Term Rental License shall be issued only to the Owner of the Short-Term Rental Premises.
1. A separate Short-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 Short-Term Rental.
 2. A Short-Term Rental License is effective for a period of one (1) year or until any of the conditions of the Short-Term Rental which are governed by this Chapter are changed, whichever shall first occur. A Short-Term Rental License must be renewed annually, and also when any of the conditions of the Short-Term Rental which are governed by this Chapter are changed.
 3. The Owner, by making an application for a Short-Term Rental License and/or accepting issuance of a Short-Term Rental License, grants permission for any and all inspections authorized by Section 204-10., below.
 4. The Borough will prescribe forms and procedures for the processing of License applications under this Ordinance.

§ 204-7. Short-Term Rental Standards.

- A. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons.

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

| | |
|---|----|
| 5 | 14 |
|---|----|

- B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be fifty percent (50%) of the maximum overnight occupancy of the Short-Term Rental.
- C. For Short-Term Rentals using an on-site septic system, the number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. Where there is no sewage permit on record, the Short-Term Rental shall be limited to three (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any Short-Term Rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, Short-Term Rental of the Dwelling Unit shall be discontinued until the malfunction is corrected in accordance with Borough and Pennsylvania Department of Environmental Protection requirements.
- D. Short-Term Rental of the dwelling unit is limited to the greater of 15 rental periods per calendar year or 180 nights in aggregate. In the event that more than one dwelling unit is available for Short-Term Rental on a single property, this limit shall apply to the entire property, meaning that each rental period that any dwelling unit on the property is rented shall count as one rental period toward the fifteen-rental period limit, and each night that any dwelling unit on the property is rented shall count as one night toward the 180-night aggregate limit.
- E. Off-street parking areas for Short-Term Rental uses must meet the Zoning Ordinance requirements for single-family dwellings. Day visitors must park in accordance with the applicable on-street parking requirements for that street. Overnight guests must park in an approved off-street parking area, not on the street. Any expansion of parking areas for a Short-Term Rental requires prior Borough approval. Parking areas shall be maintained in a mud-free condition with paving, stone, or similar material and shall count as part of the maximum lot coverage limits in Chapter 27.
- F. Short-Term Rental Premises are considered a commercial account in the Borough’s sanitary sewer collection service; Short-Term Rental Premises must have a separate commercial sanitary sewer account for each rental unit in addition to the main account for the property.
- G. Neither Short-Term Rental Occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual, or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- H. The Owner shall use best efforts to assure that the Occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Carroll Valley Borough Code of Ordinances or any state law

pertaining to noise or disorderly conduct including, but not limited to, notifying the Occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.

- I. The Owner shall, upon notification that Occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Carroll Valley Borough Code of Ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those Occupants or guests.
- J. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- K. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses. There shall be no exterior advertising.
- L. All Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
 - 1. The name of the Owner or the Manager of the unit and a telephone number at which that party can be reached on a 24-hour basis.
 - 2. The 911 address of the Premises.
 - 3. The maximum number of Occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one (1) time.
 - 4. The maximum number of all vehicles allowed to be parked on the Premises and the requirement that all overnight guest parking must be on the Premises and not in or along any private, community, or public street right-of-way or on any lawn or vegetated area on the property.
 - 5. Notification that an Occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Carroll Valley Borough Code of Ordinances, including parking and occupancy limits.
 - 6. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property, including instructions for where and when to place the trash for pickup.
 - 7. Notification that Short-Term Rental Occupants and guests are required to make the dwelling unit available for inspection by the Code Enforcement Officer and/or Rental Housing Inspector upon request.

M. All short-term rentals shall be equipped with the following:

1. Smoke detectors in each bedroom;
2. Smoke detectors outside each bedroom in common hallways;
3. Smoke detectors on each floor;
4. GFI outlets for outlets located within six feet of water source;
5. Aluminum or metal exhaust from dryer, if provided for tenant use;
6. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
7. Carbon monoxide detector, if garage is attached;
8. Fire extinguisher in kitchen;
9. Stairs (indoor and outdoor) in good condition; and
10. Swimming pools, hot tubs and spas must meet the barrier requirements as required by the current edition of the International Residential Code; and
11. Any other occupancy requirements which may be added by ordinance revision by Borough Council.

- N. The Owner shall not enter into a rental agreement with a person under 18 years of age.
- O. Compliance with the requirements of this section shall be considered conditions of a short-term rental permit. Violation of any of the requirements of this section shall be grounds for revocation of the short-term rental permit by the Code Enforcement Officer. In the event that more than one short-term Rental is located on a single property, and any one short-term Rental is in violation of any of the requirements of this section, all permits associated with the property may be revoked.
- P. The Owner must guarantee continued compliance with Chapter 10. Any violation of Chapter 10 will cause the revocation of the Short-term Rental Permit for a minimum of 12 months, but no longer than 36 months.

§ 204-8. Fees, Term, and Renewal.

- A. Short-Term Rental License fees, payable to the Borough upon the filing of a Short-Term Rental License application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
- B. Any Short-Term Rental License is valid for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short-Term Rental License renewal fees, payable to the Borough upon the filing of a Short-Term Rental License renewal application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
1. Short-Term Rental License renewal shall require inspections outlined in Section 204-10 below.
 2. Short-Term Rental License renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.

§ 204-9. Enforcement Officer.

The Carroll Valley Borough Code Enforcement Officer and/or other appointed official shall conduct inspections, make reports and administer this Chapter, and issue notices of violation.

The Code Enforcement Officer and/or other appointed official, with the authorization of the Borough Council, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

§ 204-10. Annual Inspections Required.

- A. All Short-Term Rentals shall be subject to an annual inspection by the Code Enforcement Officer and the Rental Housing Inspector to verify application information, License, License renewal, and/or operating requirements. All Short-Term Rentals shall be inspected to meet the full requirements of the Borough's adopted Property Maintenance and Nuisance Codes.
- B. The issuance of a Short-Term Rental License or inspection is not a warranty that the Premises is lawful, safe, habitable, or in compliance with this Chapter of the Code of Ordinances. Rather, the license indicates that the Premises are either set to be inspected on a routine basis or if inspected, the Premises met this Chapter of the Code of Ordinance requirements on the day and at the time of the inspection.
- C. If there is reason to believe that any provision of this Chapter is being violated, the Borough Council may or may cause, through an authorized representative of the Borough, entry onto Premises for the purpose of inspection of any and all Premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the Owner or agent to secure access thereof.
- D. Within the limitations of federal and state law, the Code Enforcement Officer may apply to a Magisterial District Judge or any legal authority having jurisdiction for an administrative search warrant to enter and inspect a Short-Term Rental Unit and the Premises. Such warrant is only required where access to a Short-Term Rental Unit or common areas is denied to the Code Enforcement Officer after a request to a person with a possessory interest in the regulated rental unit.

§ 204-11. Marketing.

The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Chapter or which promotes any other activity which is prohibited by this Chapter shall be a violation of this Chapter.

§ 204-12. Notice of Violation.

If it appears to an Enforcement Officer that a violation of this Chapter exists or has occurred, the Enforcement Officer shall send a written Notice of Violation to the Owner and/or Manager (if one is so

designated) by personal delivery or by both United States first class and certified mail. The Enforcement Notice shall identify the Premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Chapter that are violated, indicate the action required to correct the violation, and provide a time frame (established by the Enforcement Officer based upon the nature of the violation) to correct the violation.

§ 204-13. Nuisance.

In the interest of promoting public health, safety, and welfare and minimizing the burden on Borough and community services and impacts on community neighborhoods posed by Short-Term Rentals, a violation of any of the provisions of this Chapter is declared to be a public nuisance.

§ 204-14. Violations and penalties.

- A. This Chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person, partnership, corporation, or other entity which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Carroll Valley Borough in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Carroll Valley Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Chapter. All fines, penalties, costs, and reasonable attorneys' fees collected for the violation of this Chapter shall be paid to Carroll Valley Borough for its general use.
- B. In addition to, but not in limitation of, the provisions of the Part, the Code Enforcement Officer may either revoke or deny an application to renew a Short-Term Rental License for three (3) violations of this Chapter in any rolling twelve (12) calendar month period.
- C. The revocation or denial to renew a Short-Term Rental License shall continue for six (6) months for the first set of three (3) violations and continue for one (1) year for any subsequent sets of violations.

§ 204-15. Owner's Severally Responsible.

If more than one Owner owns the premises, each Owner shall jointly and severally be responsible for violations of this Chapter.

§ 204-16. Appeals.

Appeals of a determination of the Code Enforcement Officer under this Chapter to deny any application for, or to renew, a Short-Term Rental License or to revoke a Short-Term Rental License shall be filed with

the Zoning Hearing Board at the Borough business office within thirty (30) days of the date of the determination appealed from. Appeals shall be processed as described in Section 1905.

§ 204-17. Severability.

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

§ 204-18. Repealer.

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

§ 204-19. Effective date.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this ____ day of ____ 20__.

ATTEST:

CARROLL VALLEY BOROUGH COUNCIL

Secretary

Council President

Mayor

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing Ordinance was advertised in the Gettysburg Times, a newspaper of general circulation in the Borough, on _____, and was duly enacted and approved at a meeting of the Borough Council of the Borough of Carroll Valley on_____.

Gayle Marthers
Assistance Borough Manager / Borough Secretary