

**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING
Monday, October 2, 2023 – 7:00 P.M.
Borough Office**

A G E N D A

1. **Approval of Meeting Minutes**
 - a. Minutes of the September 5, 2023, meeting
2. **Open to the Public**
3. **New Business**
 - a. Fifty Properties, LLC Land Development Plan
4. **Old Business**
 - a. Keeping of Domesticated Chickens
 - b. Ordinance Revising Chapter 27: Zoning regarding Short-Term Rentals
5. **Adjournment**

**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING
MONDAY, SEPTEMBER 5, 2023 – 7:00 P.M.
BOROUGH OFFICE**

MINUTES

Chairman Michael Wight called the meeting to order at 7:00 P.M. The attendance was as follows:

**PLANNING COMMISSION
MEMBERS**

Present

John Schubring, Vice Chairman
Sara Laird
Michael Wight, Chair
Jeff Pannebaker
Brion Fitzgerald
David Lillard

BOROUGH OFFICIALS, ETC.

David Hazlett Borough Manager
Gayle Marthers, Asst. Borough Manager
Amanda Bell, Asst. Borough Secretary

Absent

Owen Phelan
Douglas Browning
Bret Robinson

**CONSIDERATION OF THE MINUTES OF THE AUGUST 7, 2023 PLANNING
COMMISSION MEETING**

***J. Schubring moved, J. Pannebaker seconded, that the Commission accept the minutes of the Planning Commission Meeting of August 7, 2023 as amended. Motion passed unanimously.

OPEN TO THE PUBLIC

The following citizen asked to be heard:

Ms. Trish Rowe of 6395 Fairfield Road, Carroll Valley, resident in favor of Short-Term Rentals.

NEW BUSINESS

Vail/Ski Liberty Operating Corporation Subdivision and Land Development Plan

Tabled until October meeting per request from Vail Resorts.

Zoning Ordinance Recommended Changes – from resident

Members reviewed the recommendation from the resident. Following much discussion, Members agreed by consensus there are no recommendations to Council at this time due to changes being already addressed in the zoning and borough ordinances.

Review of Ordinance #1-2012: Keeping of Domesticated Chickens

Lengthy discussion ensued noting the following:

- Increased setback in the front
- Possibility of being allowed in side yard or interior yard
- Directly to the rear of any permanently affixed structure.

Members agreed by consensus to have Mr. Hazlett revise the ordinance to allow more flexibility into location of the chicken coops. They requested the revision be sent to Council.

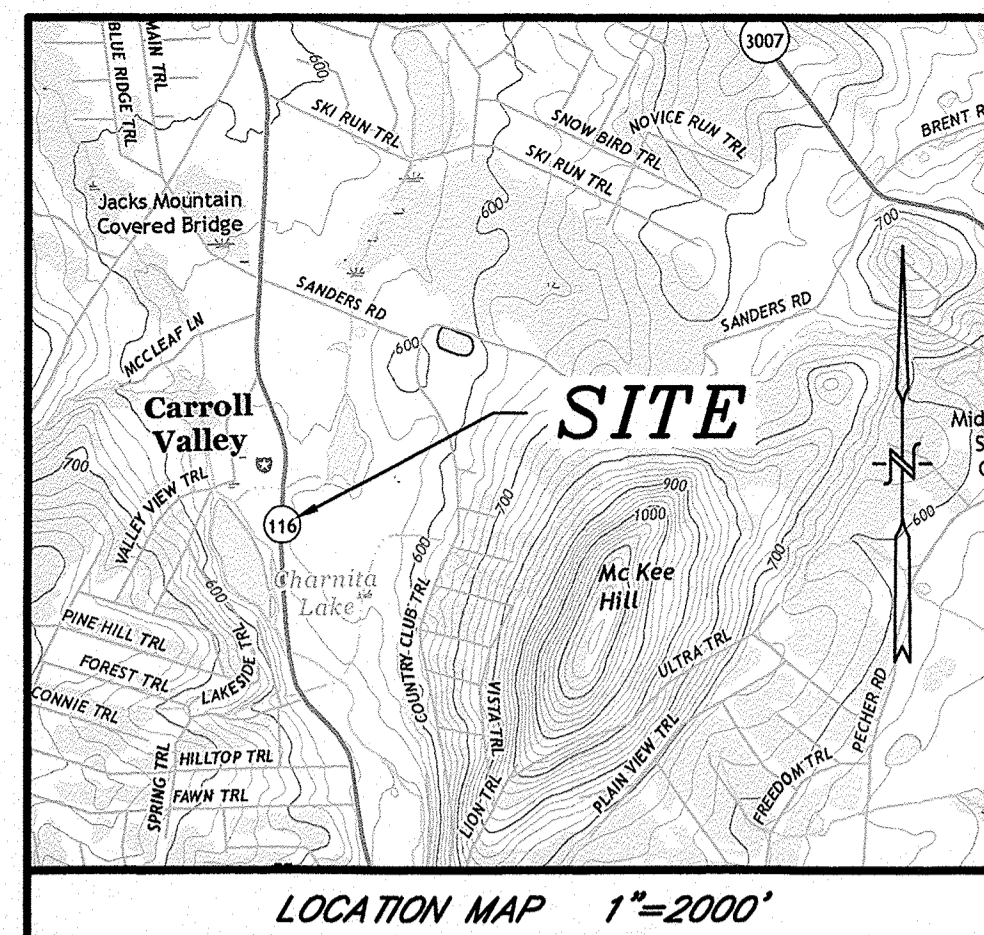
OLD BUSINESS**Ordinance Revising Chapter 27: Zoning regarding Short-Term Rentals**

Members reviewed the responses from the Borough Solicitor. Following much discussion, Members agreed by consensus to have Mr. Hazlett edit the proposed ordinance and remove unnecessary paragraphs that can not hold the borough liable.

ADJOURNMENT

*** The meeting adjourned at 8:56PM via motion made by J. Pannebaker and seconded by D. Lillard that carried unanimously.

Amanda Bell, Asst. Borough Secretary



- NOTES**
- This plan is proposing a mixed use building and parking lot. The building will have 20 apartments and 2 commercial units. There is an existing apartment dwelling with 3 units that will remain.
 - The proposed building will have public water from York Water Co. and sewer from Carroll Valley Borough. The existing house is currently served by on lot water and septic but will hook up to public water and sewer.
 - EX denotes existing.
 - EIP denotes existing iron pin.
 - All corners are set on pins (SIP) unless otherwise noted.
 - BRL denotes building restriction line.
 - Contours are from PASDA lidar mapping, NAVD83 datum.
 - A portion of the site is located within a flood hazard area according to FEMA Map Panel No. 40001C0351E, dated July 22, 2020, Zone AE.
 - No wetlands are shown on the site per the National Wetlands Inventory Map. The soils on this site are not hydric or have hydric inclusions. The surveyor did not observe any wetlands on the site.
 - This plan requests 25 EDUs.
 - The deliveries for the commercial units will be during off business hours.
 - This property lies within the conical Airport Overlay zone. This property is located in close proximity to an airport. The airport is located at 154 Percher Road in Liberty Township, Adams County, Pa, and is designated in Federal Aviation Administration records as W73. Departures and arrivals may cross over substantial portions of the development.
 - This property is in the Riparian Buffer Overlay, 75' from the stream is the Riparian Buffer area. This area will be planted with trees to restore the buffer. The area is 0.18 acres which requires 10 trees. This plan is proposing 4 river birch, 5 red maples and 10 yucca trees to be planted within the buffer. Trees shall be a minimum of 18 inches in height and shall be sheltered and staked. Should any trees within the buffer die or become damaged within 3 years of planting, such trees shall be replaced.
 - Lighting shall be arranged so as to prevent direct view of the light bulb or the lens covering the light bulb from adjoining properties and/or public rights-of-way. Full cut-off light fixtures shall be used to achieve this standard. Lights shall be protected from vehicular traffic by curbing or landscaping.
 - A highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 CPL 1242, No. 428, known as the State Highway Law, before driveway access to the state highway is permitted.

- PREFERRED DEVELOPMENT STANDARDS**
- All roofs shall have a minimum slope of 3:12 and a maximum slope of 12:12.
 - Reflective, untreated metal roofs are prohibited. All exposed metal surfaces shall be painted in a flat, non-glossy paint to complement or match the color of the exterior roof building material.
 - Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors and details. At least four of the following architectural treatments shall be provided: masonry (but not flat concrete block), concrete or masonry plinth at the base of the wall, belt courses of a different texture or color; projecting metal canopy, trellis containing planting; banded windows, artwork; vertical/horizontal articulation achieved by using materials, windows, rooflines, or a combination of all; lighting fixtures; exposed timber, expansive decks; an architectural element not listed above, as approved by the zoning officer following advisory recommendation from the Planning Commission, that meets the intent.
 - Windows: The ground floor front facades of non-residential or Mixed Use Property buildings visible from the pedestrian view shall consist of a minimum of sixty percent (60%) window area and a maximum of seventy-five percent (75%), with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.
 - Upper story windows of front facades of non-residential or Mixed Use Property buildings shall not be boarded or covered and shall comprise a minimum of thirty-five percent (35%) window area in the facade above the ground floor and a maximum of seventy-five percent (75%).
 - Smoked, reflective, or black glass in windows is prohibited.

- GENERAL NOTES**
- NO SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY R. LEE ROYER & ASSOCIATES TO DETERMINE THE EXISTENCE OR LOCATION OF GROUND WATER, ROCK OR OTHER NATURAL OR MAN MADE FEATURES EXCEPT AS SPECIFICALLY INDICATED.
 - EXISTING UTILITY INFORMATION SHOWN HEREON ARE FROM DRAWINGS AND OR OTHER SOURCES PROVIDED BY THE OWNERS OF THE VARIOUS UTILITIES. THE CONTRACTOR MUST NOTIFY PENNSYLVANIA'S ONE CALL SYSTEM AT 1-800-242-1776 A MINIMUM OF 72 HOURS BEFORE BEGINNING ANY WORK SHOWN ON THESE PLANS. ANY DAMAGE TO UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT THEIR EXPENSE AND TO THE SATISFACTION OF THE UTILITY OWNER.
 - THE CONTRACTOR SHALL NOTIFY THE APPLICABLE MUNICIPALITY, COUNTY, AND OR STATE AUTHORITIES AT LEAST 72 HOURS IN BEFORE BEGINNING ANY WORK WITHIN THE PUBLIC RIGHT (S) OF WAY.
 - THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS BEFORE STARTING CONSTRUCTION. ANY DAMAGE TO FACILITIES, STRUCTURES, OR EQUIPMENT OF THE MAN MADE ITEMS ON OR ADJACENT TO THE SITE OR NOT SPECIFICALLY INDICATED FOR DEMOLITION SHALL BE REPAIRED OR REPLACED AT THE CONTRACTORS EXPENSE AND TO THE SATISFACTION OF THE OWNERS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE LEGAL AND REGULATORY REQUIREMENTS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL SOIL EROSION AND SEDIMENT CONTROLS SHOWN ON THESE PLANS.
 - ALL BENCHMARKS SHOWN ON THESE PLANS MUST BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. R. LEE ROYER & ASSOCIATES DO NOT WARRANT THE CURRENT CONDITION OR ACCURACY OF ANY BENCHMARK SHOWN ON THESE PLANS.

GENERAL DISCLAIMER NOTE:
ALL UTILITIES SHOWN ARE APPROXIMATE IN LOCATION AND DEPTH. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND CONDITION IN THE FIELD WITH THE REPRESENTATIVE OF THE UTILITY IN QUESTION. R. LEE ROYER & ASSOCIATES DO NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY AND SUFFICIENCY OF THE DATA PROVIDED ON EXISTING UTILITIES AND FURTHERMORE WILL ASSUME NO RESPONSIBILITY FOR ANY CONSEQUENCES RESULTING FROM THE INACCURACY OR INSUFFICIENCY IN THIS REGARD. THE CONTRACTOR SHALL CONTACT THE UTILITY REPRESENTATIVE FOR THE ACTUAL LOCATION OF THEIR UTILITY BEFORE ANY WORK IS BEGUN ON THIS PROJECT. THE CONTRACTOR SHALL RESTRICT ALL AREAS DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITIONS.

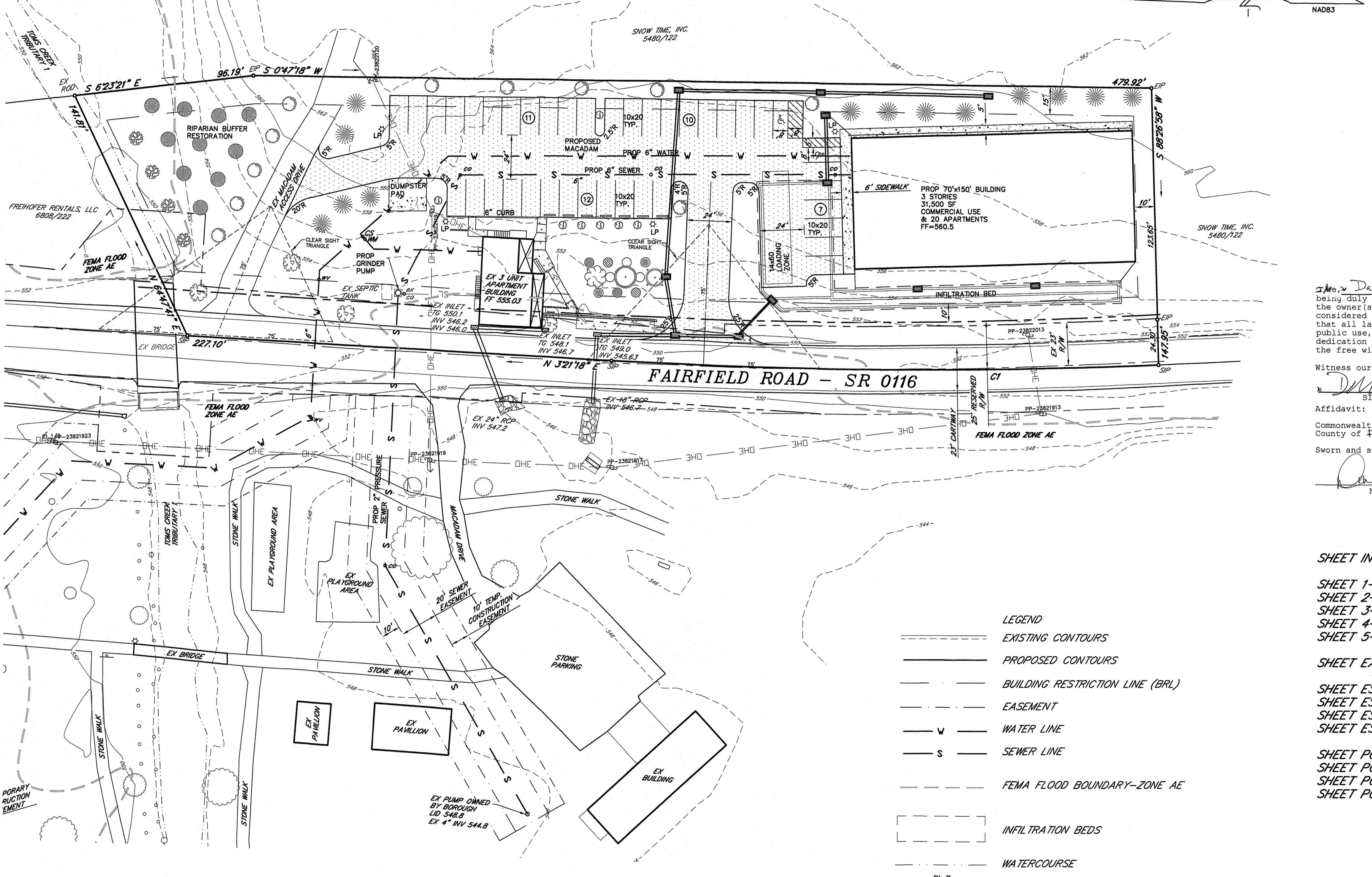
LOT REQUIREMENTS: CC (COMMUNITY CORE) MIXED USE (APARTMENT & COMMERCIAL) PREFERRED DEVELOPMENT STANDARDS
 LOT SIZE: 20,000 SQ FT
 LOT WIDTH: 100 FT
 LOT DEPTH: 175 FT
 FRONT YARD/BUILD TO LINE: 10 FT
 SIDE YARD: 10 FT
 REAR YARD: 15 FT
 BUILDING HEIGHT: 35 FT
 MAX. LOT COVERAGE: 75%; 41% PROVIDED
 MIN. VEGETATIVE COVERAGE: 25%; 59% PROVIDED
 MIN. DWELLING UNIT LIVABLE FLOOR AREA: 400 SF
 FLOOR AREA RATIO: 0.45; 0.13 PROVIDED
 PARKING: 1.5 SPACES FOR EACH APARTMENT (35 REQUIRED) & 1 SPACE FOR EVERY 500 SF OF CUSTOMER FLOOR AREA (2000 SF = 4 REQUIRED)
 39 SPACES REQUIRED; 39 PROVIDED

SOILS
 PoS - Penn-Klinesville channery silt loams, 3-8% slopes
 Rw - Rowland silt loam

Curve Table				
Curve #	Bearing	Chord Length	Radius	Arc Length
C1	S 00°25'48" W	292.36'	2864.93'	292.51'

1" 9.5 MM SUPER PAVE
3" 25 MM SUPER PAVE
6" PA #2A STONE ROLLED AND COMPACTED

PAVING DETAIL



- LEGEND**
- EXISTING CONTOURS
 - PROPOSED CONTOURS
 - BUILDING RESTRICTION LINE (BRL)
 - EASEMENT
 - WATER LINE
 - SEWER LINE
 - FEMA FLOOD BOUNDARY-ZONE AE
 - INFILTRATION BEDS
 - WATERCOURSE
 - DEEP HOLE & PERC
 - PROPOSED LIGHT POLE

STORM WATER OWNERSHIP & MAINTENANCE SCHEDULE:

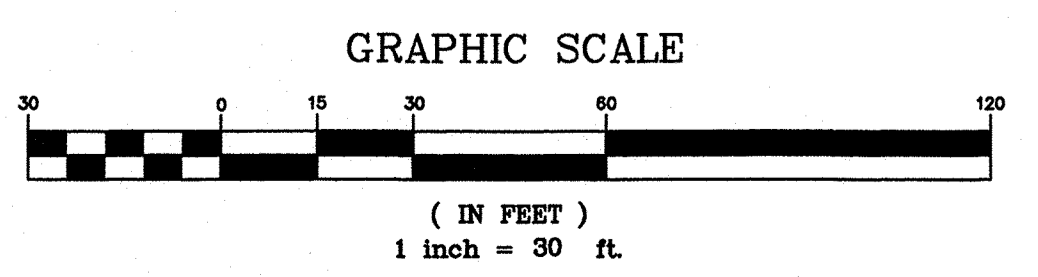
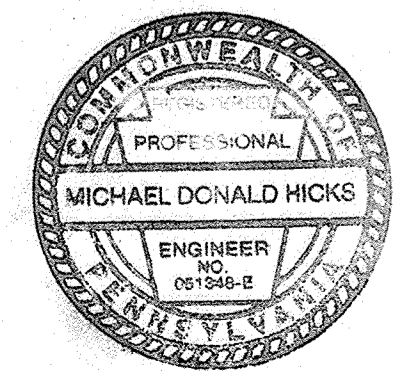
- THE PROPERTY OWNER OF THE LOT SHALL OWN THE STORM WATER MANAGEMENT (SWM) FACILITIES LOCATED ON THE LOT.
- THE STORM WATER MANAGEMENT FACILITIES SHOWN ON THESE PLANS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER.
- THE OWNER, HIS HEIRS OR ASSIGNS SHALL BE RESPONSIBLE FOR THE CONTINUING MAINTENANCE OF THE FACILITIES WHICH SHALL INCLUDE SUCH ITEMS AS MOWING, CLEANING AND REMOVAL OF SEDIMENTS AND / OR DEBRIS. THE TIME PERIOD FOR THIS CONTINUING MAINTENANCE SHALL BE ON AN AS NEEDED BASIS BUT SHALL NOT BE DELAYED LONGER THAN 30 DAYS.
- THE OWNER, HIS HEIRS OR ASSIGNS SHALL BE RESPONSIBLE FOR REPAIR OF ANY STRUCTURAL DAMAGES OR FAILURE WHICH MAY OCCUR AS A RESULT OF NEGLIGENCE, ACCIDENT OR MISUSE. IN THE EVENT OF STRUCTURAL DAMAGE THE OWNER SHALL BE RESPONSIBLE TO MAKE THE NECESSARY REPAIRS AS QUICKLY AS POSSIBLE, BUT IN ANY CASE WITHIN 60 DAYS.
- THE BOROUGH HAS THE RIGHT TO ACCESS THE FACILITIES FOR PERIODIC INSPECTION AND IF THE OWNER FAILS TO REPAIR DAMAGES TO THE SWM FACILITIES WITHIN 60 DAYS OF THE BOROUGH BEING AWARE OF SUCH DAMAGE, THE BOROUGH MAY REPAIR THE SWM FACILITIES AT THE COST OF THE OWNER.

WE HEREBY ACKNOWLEDGE AND UNDERSTAND THAT THE STORMWATER MANAGEMENT SYSTEM AND FACILITIES THAT ARE SHOWN HEREON AND DESCRIBED IN THE STORM WATER MANAGEMENT REPORT ARE PERMANENT AND CANNOT BE ALTERED OR REMOVED WITHOUT SPECIFIC APPROVAL OF A REVISED PLAN BY CARROLL VALLEY BOROUGH.

NAME: MICHAEL HICKS, PE
 DATE: 8-17-2023

I HEREBY CERTIFY THAT TO THE BEST OF MY ABILITY AND KNOWLEDGE, THE DRAINAGE PLAN SHOWN HEREON AND DESCRIBED IN THE STORMWATER MANAGEMENT REPORT MEETS ALL OF THE DESIGN STANDARDS AND CRITERIA OF THE ANTIETAM CREEK WATERSHED ACT 167 STORMWATER MANAGEMENT ORDINANCES.

NAME: MICHAEL HICKS, PE
 DATE: 8/8/23



FINAL LAND DEVELOPMENT PLAN FOR FIFTY PROPERTIES, LLC
 SITUATE IN CARROLL VALLEY BOROUGH, ADAMS COUNTY, PENNSYLVANIA

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

Record of Revisions

Date	Initials	Revision Made

Area: 1.85 AC.
 Scale: 1" = 30'
 Date: 7/25/23
 Drawn: JAS
 Checked: YSS
 File: 8701

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

CHAIRMAN: _____

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

BOROUGH MANAGER: _____ DATE: _____

ADAMS COUNTY PLANNING
 Approved or Reviewed by the Adams County Planning Department
 this ___ day of ___ 2023

STAFF: _____

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

Signature: _____
 Registered Surveyor No. 28856-E

OWNER/DEVELOPER:
 FIFTY PROPERTIES, LLC
 C/O DAVE RAWLINGS
 73 SHIPLEY TRAIL
 FAIRFIELD, PA 17320
 (301) 230-3539

Dead recorded in Adams County
 Dead Book 6780 Page 365
 TAP MAP 43014 PARCEL 5

APPROVAL LIST
 1) ADAMS COUNTY PLANNING
 2) CARROLL VALLEY BOROUGH PLANNING COMMISSION
 3) CARROLL VALLEY BOROUGH COUNCIL
 4) ADAMS COUNTY CONSERVATION DISTRICT
 5) YORK WATER COMPANY

I, David Rawlings, Member 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. We have submitted this plan with the free will and consent of those who have signed.

Witness our hands and seals this 18 day of August 2023

Signature: _____
 Affidavit:
 Commonwealth of Pennsylvania
 County of Franklin

Sworn and subscribed to me this 18th day of August 2023

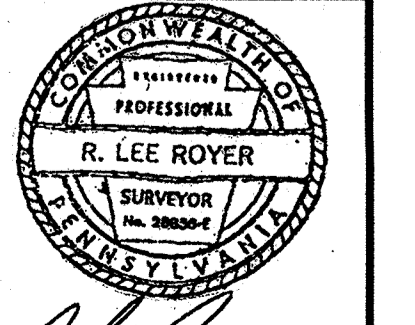
Signature: _____
 NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
 Donna M. Bailey, Notary Public
 Franklin County
 My commission expires April 29, 2024
 Commission number 1206263
 Member, Pennsylvania Association of Notaries

- SHEET INDEX**
- SHEET 1- LAND DEVELOPMENT PLAN
 - SHEET 2- GRADING & STORMWATER PLAN
 - SHEET 3- WATERLINE PLAN
 - SHEET 4- PROFILES
 - SHEET 5- LANDSCAPE PLAN
 - SHEET EX1- EXISTING CONDITIONS PLAN
 - SHEET ES1- EROSION & SEDIMENT CONTROL PLAN
 - SHEET ES2- EROSION & SEDIMENT CONTROL PLAN
 - SHEET ES3- E&SC NOTES AND DETAILS
 - SHEET ES4- E&SC NOTES AND DETAILS
 - SHEET PC1- POST CONSTRUCTION SWM PLAN
 - SHEET PC2- POST CONSTRUCTION SWM PLAN
 - SHEET PC3- PCSM NOTES & DETAILS
 - SHEET PC4- PCSM NOTES & DETAILS

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: 20231232414
 1-800-242-1776



MEMORANDUM

Memo to: Carrol Valley Borough

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

Subject: Subdivision and Land Development Plan Review
Fifty Properties, LLC
Final Land Development Plan
Fairfield Road Fairfield, PA 17320
Plan date: July 25, 2023

Date: September 29, 2023

cc: Lee Royer & Associates
PMCA

The plan proposes to construct a new 70' x 150' building to contain commercial uses and 20 apartments. It also proposes the continued use of an existing 3 unit apartment building. The plan includes a 40 space parking lot with one (1) new entrance and the use of one (1) existing entrance. Stormwater will consist of an underground infiltration bed and a raingarden and associated inlets and piping. The plan also proposes new connections to public water and sewer. The lot is just over 2 acres and is located in the Community Core (CC) zoning district. It is also partially located in the Riparian Buffer Overlay District and the Airport Overlay zone. A small portion of floodplains are located at the northern end of the property at the Tom's Creek tributary. 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 Borough Solicitor.)

1. It appears the developer is proposing to utilize the Preferred Development Standards of section 803 (use of higher floor area ratio and maximum lot coverage). It should be shown that these standards are being met. Additional architectural information is required. (803.A.4)
2. The Zoning Officer should determine if the requirements of a "build to" line are being met. (804.D.1)
3. The Riparian Buffer Overlay area should be delineated on the plans. (1101) It should also be shown that the Buffer Restoration Area meets the requirements of 1101.C

4. Parking for apartment buildings does not appear to be in accordance with 1501.A.3.a, as parking is not located to the rear of the apartment building.
5. The intended use of the commercial area in the proposed building should be noted so parking space numbers can be confirmed. (1601)
6. Within the parking lot, pedestrian walkways or sidewalks shall be provided. (1602.C.3.e)
7. The parking lot illumination standards shall be met. Light details and photometrics plan are required.(1602.G)
8. The plans should note that any proposed signage shall meet the requirements of the Zoning Ordinance. (1707)
9. The existing 3-unit apartment building should be registered as a pre-existing non-conforming structure due to the front setback.

Subdivision and Land Development Ordinance Comments

10. Adams County Planning comments should be considered. (301)
11. It should be determined if a waiver for a preliminary plan submission is required. (321)
12. The engineer's seal and signature should be executed on the approved plans. (403.F)
13. Please add the property boundary/location on the location map. (403.H)
14. The approved plans shall be acknowledged/executed by the owners. (406.M)
15. Note 7 indicates contours are from PASDA lidar mapping. Given the nature of the project (improvements near property lines, grading/stormwater connections to a state road, public water and sewer, etc.), the property boundary and topography shall be the result of a property survey. (403.L)
16. We were unable to find reference to the lot size for the subject property on the plans. (403.I)
17. The existing septic drainfield and well locations should be identified. (403.M)
18. Please be consistent with the contour intervals. We would prefer 1 foot intervals. (403.K)
19. All easements should be labeled as existing or proposed. (504)
20. Proposed signage should be included on the plan. (602.J)
21. A PennDOT HOP will be required for the proposed entrance. It should also be confirmed with PennDOT if the existing entrance is adequate based on the change/increase in use.

22. PennDOT HOP's will be required for the proposed utility crossings/installations in the right-of-way (ie: water, sanitary sewer, storm drains).
23. Additional plan details (signage, lighting, space striping, ADA parking, tree planting, etc.) are required.
24. With regard to the proposed entrances we acknowledge that access is to a State Road, however, we note the following for consideration:
 - a. Sight distances and a clear sight triangle sized appropriately for Fairfield Road traffic/speeds) should be provided for the proposed entrances. The current clear sight triangle appears to intersect a proposed bank. (406.L, 529)
 - b. It has become common that PennDOT requires the municipality to be responsible for stormwater facilities located in their right-of-way. The Borough should take this into consideration.
 - c. PennDOT permit plans should be provided to the Borough for review.
 - d. At a minimum, stop signs should be provided for vehicles exiting the parking lot.
25. Proof of plan approval by York Water and the Sewer Authority is required. It appears the water line installation will require a stream crossing permit.
26. Sewer and water lines and easements are shown across the Borough's property. It should be confirmed that this is acceptable to the Borough.
27. The Borough should consider if a recreation area or fee in lieu of should be applied to this project. (502.3.A)
28. Sewage Facilities Planning (Exemption) approval is required. (569)
29. A drainage easement should be provided for the Tom's Creek Tributary. (582)
30. An approved E&S Plan/NPDES Permit are required.(601.3)
31. Bonding of related improvements is required. A cost estimate should be submitted for review. (338)

Stormwater Management Comments

Due to the extent and nature of the prior comments we have not fully reviewed the stormwater management at this time. Following confirmation that the layout will not change, we will complete our stormwater review.

MEMORANDUM



TO: PLANNING COMMISSION
FROM: DAVID HAZLETT, BOROUGH MANAGER
SUBJECT: RES CHICKENS/PLANNING COMMISSION
DATE: 9/29/2023
CC: GAYLE MARTHERS

The Borough Council discussed the issue regarding residential chickens and that some properties do not have a “backyard” suitable to meet the ordinance. The council reviewed the recommendation received from the Planning Commission last month.

The Borough Council asked the planning commission to evaluate the language that Chicken Pen and Coop's be permitted to be placed as per the Zoning Ordinance permissions for Accessory Structures in the underlying zoning district of the applicant property.

Borough Council’s recommended ordinance revision would look like this:

- g. **All chicken coop/pen structures must comply with the setback regulations for the underlying zoning district for Accessory Structures.** ~~A person shall not keep Chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family structure and extending to the side lot lines.~~
- h. ~~No covered enclosure or fenced enclosure shall be located closer than 25 feet to any property line of an adjacent property;~~
- i. ~~A covered enclosure or fenced enclosure shall not be located closer than 50 feet to any residential structure on an adjacent property.~~
- j. ~~For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.~~

*** As a reminder, the proposed accessory structure amendment reads:

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. 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.

✓ For clarity, the previously advertised ordinance amendment regarding accessory structures and this proposed language would require the citizens at 8 Fawn Trail to relocate their chickens into one of the green-shaded areas. It would give them an additional 15 feet on the side and rear of the house.



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 trespass²; and

WHEREAS, the transitory nature of Occupants of Short-Term Rentals makes enforcement against the Occupants difficult²; 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 Rentals²; 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 to meet~~ 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~~ Total habitable floor space and total number of bedrooms ~~for the short-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 Short-Term Rentals.- Each Dwelling Unit in a multi-dwelling unit structure ~~is required to~~ must 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. This should include the location of the drain field and tanks.
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.~~

11.10. 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.

~~12.11.~~ Copy of the current recorded Deed for the Premises establishing ownership.

~~13.12.~~ Evidence that there are no delinquent Borough sewer fees for all properties owned, in whole or in part, by the Owner in the Borough.

~~14.13.~~ ~~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 a weekly pick-up.- No dumpsters are permitted. Account verification is required.

~~15.14.~~ 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 on~~ 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.~~this part.
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.~~ 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.~~ C.

~~E.~~ ~~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.~~

~~F.~~ D. 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.

~~G.~~ E. 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 on~~ the property.

~~H.~~ F. 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.

~~I.G.~~ 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.

~~J.~~ 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.

~~K.H.~~ 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.

~~L.I.~~ A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.- ~~There shall be no E~~exterior advertising shall conform with the requirements of Chapter 27-

~~M.J.~~ 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 propertyproperty's exterior, including instructions for where and when to place the trash for pickup.

~~7-6.~~

~~8. 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.~~

~~N.K.~~ N.K. 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 PA Uniform Construction Code; and
- ~~11. Any other occupancy requirements which may be added by ordinance revision by Borough Council.~~

~~O.L.~~ O.L. The Owner shall not enter into a rental agreement with a person under 18 years of age.

~~P.M.~~ P.M. 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.

~~Q.N.~~ Q.N. The Owner must guarantee continued compliance with Chapter 10.- Any violation of Chapter 10 ~~will~~ may cause the revocation of the Short-term Rental Permit for a minimum of 12 months, but no longer than 36 months, at the discretion of the Code Enforcement Officer.-

§ 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. (CVB averages \$533 per occupied household in Earned Income Tax Revenue. For each Short-Term Rental, the Borough will lose this revenue. Based upon the current costs anticipated to enforce this ordinance, I will be recommending to Borough Council a \$250 annual fee.)
- 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.~~C. 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 ~~the Code~~ Enforcement Officer that a violation of this Chapter exists or has occurred, the ~~Code~~ 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 ~~Code~~ 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~~Borough Council 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