

**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING
Tuesday, September 5, 2023 – 7:00 P.M.
Borough Office**

AGENDA

1. **Approval of Meeting Minutes**
 - a. Minutes of the August 7, 2023, meeting
2. **Open to the Public**
3. **New Business**
 - a. Vail/Ski Liberty Operating Corporation Subdivision and Land Development Plan
 - b. Zoning Ordinance Recommended Changes – from resident.
 - c. Review of Ordinance #1-2012: Keeping of Domesticated Chickens
4. **Old Business**
 - a. Ordinance Revising Chapter 27: Zoning regarding Short-Term Rentals
5. **Adjournment**



MEMORANDUM

Memo to: Carrol Valley Borough

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

Subject: Subdivision and Land Development Plan Review
Ski Liberty Operating Corp.
Preliminary/Final Subdivision and Land Development Plan
115 Sanders Road Fairfield, PA 17320
Plan date: July 20, 2023

Date: September 1, 2023

cc: Stantec Consulting Services Inc.
PMCA
Ski Liberty Operating Corp.

The plan proposes to construct a new gravel parking lot for the Liberty Mountain Resort. The parking lot will include 154 new parking spaces totaling 61,500 SF of new impervious and a forebay and basin for stormwater control. The plan also proposes to consolidate two existing parcels of 154 acres and 4.83 acres into one new parcel of about 159 acres. Both parcels are owned by Snow Time, Inc., and located in the Community Core (CC) zoning district. 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. The Zoning Officer should determine if a Special Exception will be required for the addition of a parking lot for use by an existing resort. (801.C.5)
2. It should be clearly defined/noted how pedestrians will be transported to the resort area. If shuttles are being provided, shuttle stop areas should be depicted. If users of the adjacent parking lot are historically known to walk up Sanders Road to the resort, then a sidewalk along Sanders Road should be considered. (1600.C)
3. A tabulation of resort-wide required and proposed parking spaces should be provided. (1601)

Knoebel, Picarelli, Inc.

4. The Zoning Officer should determine if the proposed parking lot, in conjunction with other resort parking lots, contains more than 400 spaces and if it would therefore be subject to surfacing requirements of section 1602.B.2.
5. Terminal islands shall be provided at both ends of all parking space rows and one mid-row island shall be provided for every 20 contiguous parking spaces. (1602.C.3.a&b)
6. Curbing or bumper blocks shall be provided around all terminal islands, mid-row islands and divider strips to prevent vehicular encroachment. (1602.C.3.d) Bumper blocks are also required to delineate parking spaces on non-paved parking lots. (1602.E.2)
7. Within the parking lot, pedestrian walkways or sidewalks shall be provided. (1602.C.3.e)
8. The parking lot illumination standards shall be met. A photometrics plan is required.(1602.G)
9. It will not be clear if the parking lot landscaping requirements are met until the above comments are resolved. Additional comments may apply. (1602.H)
10. The Zoning Officer should determine if / how many ADA accessible spaces are required in the proposed parking lot. (1605)
11. The plans should note that any proposed signage shall meet the requirements of the Zoning Ordinance. (1707)

Subdivision and Land Development Ordinance Comments

12. Adams County Planning comments should be considered. (301)
13. A Deed of Consolidation needs to be approved and recorded. (352.1.B)
14. The engineer's seal and signature should be executed on the approved plans. (403.F)
15. The approved plans shall be acknowledged/executed by the owners. (406.M)
16. A certificate of approval needs to be added for the Borough Planning Commission. (406.N)
17. With regard to the proposed entrance we note the following:
 - a. Sight distances and a clear sight triangle should be provided for the proposed entrance. (406.L, 529)
 - b. An existing 12 inch culvert pipe is shown under the proposed parking lot entrance. It should be confirmed that the size/condition/type of pipe meets the Borough standards and that adequate cover is/will be present. (21.207.5.D)
 - c. All geometries (radii, width) at the proposed entrance should be clearly depicted and labeled. We note the entrance width does not appear to be consistent. (406).
 - d. It should be clarified on the plans what portion of the proposed entrance will be paved. The driveway ordinance requires pavement or concrete to the right-of-way line at a minimum. (21.207.6.B)
 - e. A stop sign should be provided for patrons exiting the parking lot. Additional interior and pedestrian signage should be provided as needed.

18. Any improvements proposed in the Sanders Road right-of-way will require a Borough permit. The proposed mid-block crosswalk will need to be approved through the Borough and meet the requirements of the Zoning Ordinance 802.C and SALDO 543.
19. An approved E&S Plan/NPDES Permit are required.
20. Bonding of related improvements is required. A cost estimate should be submitted for review. (338)

Stormwater Management Comments

21. On sheet C-142, it appears that steps #17-26 of the "General Construction Sequence" are out of place. Please revise for consistency with this project and appropriate order of construction.
22. There appears to be multiple construction sequences for the construction of the raingarden. "Critical Stage of Construction – Rain Garden Infiltration BMP" on sheet C-142 and C-162, as well as a construction sequence under the "Rain Garden / Bioretention Zone" Detail on sheet C-162. There should be one sequence to follow for construction of the raingarden with the critical stages outlined. Additionally, the sequence should be site specific, as it appears that the "Critical Stage of Construction – Rain Garden Infiltration BMP" mentions an infiltration bed and geotextile.
23. Please revise the clarity of the forebay and raingarden grading. The proposed contours extend past the existing contours they should be tying into. Additionally, there are proposed contours that overlap each other and an extra proposed contour line that is prohibiting the clarity of the grades. A few examples include:
 - a. The 571 contour on the northwest side of the forebay extends past the existing 571 contour.
 - b. There are overlapping lines/grades in the northwest corner of the forebay.
 - c. There appears to be an extra line connecting the one side of the berm at the emergency spillway to the other (570 contour).
24. In the "Test Pits" table on sheet C-161 it appears that the existing grade column for DR- 2A, 2B, and 2C should be 569.4 instead of 596.4. Please revise accordingly.
25. On sheet C-162, the 100-year surface elevation given in the "Raingarden / Bioretention Zone" detail (elev. 570.11) varies from the "Raingarden Embankment and Spillway Details" (elev. 570.08).
26. No plantings should be proposed on the side slopes or tops of embankments to avoid compromising the structural stability of the BMPs.
27. On sheet C-181 and C-182, please depict a discharge flow path for DP002 as it leaves the property.
28. Please provide the Limit of Disturbance on both the Existing and Proposed Drainage Area Maps (C-181 and C-182).

29. The minimum top width of the raingarden and forebay embankment is 8 feet (23-406 J.b.). We also note that the details of the raingarden on sheet C-162 are inconsistent with the grading plans on the widths of the embankment. Please revise accordingly.
30. A cutoff trench is required for all basin embankments (23-406-J.f.). The location of the cutoff trench and its extents should be depicted on the plans with corresponding details.
31. An owner statement and notes on the plans indicating that the stormwater management facilities are permanent and require operation and maintenance responsibilities must be provided for signature (23-501-B.2.v. & x.).
32. Pertaining to the Volume Tab of the DEP PCSWM Spreadsheet:
 - d. According to the structural BMP Volume Credit for BMP No. 1, credit is being accounted for as an MRC design; however, the raingarden is not designed based on MRC standards. Please revise accordingly.
 - e. Please provide calculations on the credit being taken for the "Storage Volume (CF)" of BMP No. 1.
33. It appears that only 0.19 feet of freeboard is available at 100-year water surface elevation on the raingarden embankment. The height of the embankment must be set as to provide a minimum of one foot of freeboard above the maximum water surface elevation in the facility during all storms. Please revise accordingly (23-406-C.).
34. The curve numbers (CNs) and calculations utilized on the DEP PCSWM Spreadsheet and in HydroCAD do not seem to account for the area of Penlaw (Pa) soil that is located in the drainage areas. Please revise the calculations to take credit for the areas located in this soil type as "D" rated soil with the corresponding curve numbers (23-408-E.).
35. Please ensure that all of the appropriate curve numbers are being utilized in the HydroCAD and Volume Spreadsheet calculations. All impervious surfaces (including gravel) should be a CN of 98, all open space 'C' soil should be a CN of 74, and open space 'D' soil should be a CN of 80 (23-408-E.).
36. The Time of Concentration path for Post-Development Uncontrolled Area 1A measures around 350 feet in length, however, it appears that a length of 450 feet is being accounted for in HydroCAD. Please revise as needed (23-408-D.).
37. The Soil Stockpile Detail states that 8" inlet soxx will be used around the stockpile, however, the plan calls for 18" silt sock. Please revise.

PROPOSED CHANGES TO
CARROLL VALLEY BOROUGH
ZONING ORDINANCES

1). Section 201: Definitions

Add...Vehicle Services – A business or commercial activity to service, maintain, and/or repair automobiles, trucks, vans, motorcycles, boats, and/or similar vehicles. This does not apply to personal servicing of private vehicles.

2). Section 502: Dimensional Requirements

Add J. Maximum Detached Accessory Structure Floor Area

1. Lot Area less than or equal to (½) acre: Five Hundred (500) square feet.
2. Lot Area greater than ½ acre: Seven Hundred Fifty (750) square feet.

3). Section 602: Dimensional Requirements

Add J. Maximum Detached Accessory Structure Floor Area

1. Lot Area less than or equal to (½) acre: Five Hundred (500) square feet.
2. Lot Area greater than ½ acre: Seven Hundred Fifty (750) square feet.

4). Section 702: Dimensional Requirements

Add J. Maximum Detached Accessory Structure Floor Area:

1. Lot Area less than or equal to (½) acre: Five Hundred (500) square feet.
2. Lot Area greater than ½ acre: Seven Hundred Fifty (750) square feet.

5). Section 1501: Requirements for Specific Uses

Add to paragraph P. Home Occupation, a new subparagraph 2.

2. Vehicle Servicing IAW the definition (Section 201) is considered a Commercial (Zoning District C) activity and not to be considered a home occupation.

Renumber the subsequent subparagraphs 3, 4, 5, 6.

6). Section 1501: Requirements for Specific Uses

Add to paragraph U. No-Impact Home-Based Business, subparagraph 1.

1. The business activity...surrounding residential uses. Vehicle Servicing IAW the definition (Section 201) is considered a Commercial (Zoning District C) activity and not to be considered a No-Impact Home-Based Business.

CARROLL VALLEY BOROUGH
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. 1-2012

AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY AMENDING CHAPTER 2 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES TO: PERMIT THE LIMITED KEEPING OF DOMESTICATED CHICKENS AS AN ACCESSORY USE TO A SINGLE-FAMILY DETACHED DWELLING.

The Borough of Carroll Valley hereby ordains:

SECTION 1. AMENDMENT TO CHAPTER 2 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES.

Part 4

Limited Residential Chicken Permit

§2-401. Purpose

The purpose of this section is to authorize and provide standards for the keeping of domesticated Chickens. It is intended to enable residents to responsibly keep a small number of female Chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood.

§2-402. Definitions

- a) Chicken: Poultry or fowl of the species Gallus gallus/G. gallus domesticus. The species includes many different breeds of Chicken.
- b) Chicken Coop: A structure for the sheltering of Chickens. An existing shed or garage can be used for this purpose, if it meets the standards contained in §407 below. A Chicken Coop is an accessory structure and may require a separate permit(s).
- c) Chicken Pen: An enclosure that is connected to and/or surrounding a Chicken Coop for the purpose of allowing Chickens to leave the Coop while remaining in an enclosed predator-safe environment.
- d) Single-Family Detached Dwelling: a detached dwelling designed for and occupied exclusively by one family.

§2-403. Number and Type of Chickens Allowed

The maximum number of Chickens allowed is six (6) per Single-Family Detached Dwelling. Only female Chickens are allowed. There is no restriction on Chicken breeds.

§2-404. Housing Types Allowed to Keep Chickens

Residents of Single-Family Detached Dwellings may keep Chickens as authorized under this section. The residential keeping of Chickens is deemed by this chapter to be an accessory use only. Therefore, the keeping of Chickens will not be permitted on any lot which does not contain the

permitted primary use of a Single-Family Detached Dwelling. A Limited Residential Chicken Permit shall not be issued for Chickens on any property not containing the permitted primary use of a Single-Family Detached Dwelling.

§2-405. Non-Commercial Basis

- a) Eggs, chicks, adult Chickens, and Chickens shall not be sold. Chicken manure and compost using Chicken manure shall not be sold or otherwise distributed.
- b) Produce on which Chicken manure from the permitted Chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.

§2-406. Chickens Enclosed

A Chicken Coop and Chicken pen shall be provided. Chickens shall be secured in the Chicken Coop during non-daylight hours. During daylight hours Chickens may be located in the Chicken pen.

§2-407. Construction and Design

- a) The Chicken Coop shall comply with all requirements for accessory uses and structures. The Coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The Coop shall be at least 18 inches high, and provide at least 3 square feet of floor area per Chicken. The Coop shall provide 1 square foot of window per 15 square feet of floor area, and vents as necessary to ensure adequate ventilation. The materials for each element, e.g., walls, roof, windows and doors, shall be uniform and in harmony with the surrounding area. Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut. Windows and vents shall be covered with wire mesh with maximum spacing of 1 inch by 1 inch. The Coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- b) The Chicken pen shall be constructed of wood or metal posts and wire mesh fencing material with maximum spacing, of 1 inch by 1 inch. The pen shall provide at least 10 square feet of area per Chicken. The fence shall rise at least 4 feet above the ground and be buried at least 1 foot in the ground. The pen shall be covered with wire mesh, aviary netting, or solid roofing.

§2-408. Maintenance

The Chicken Coop, Chicken pen, and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner. The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter and other processing of Chickens are prohibited on the lot. If a Chicken dies, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of properly.

§2-409. Living Conditions

The Chicken Coop shall provide adequate security, ventilation, and shelter from moisture and extremes of temperature. The Chicken pen shall provide adequate security and sun and shade. Chickens shall have access to feed and clean water at all times, and such feed and water shall be

inaccessible to rodents, wild birds, and predators. Chickens shall be provided adequate bedding in the Chicken Coop and perches are encouraged.

§2-410. Permit Required

- a) Any person who keeps Chickens in the Borough of Carroll Valley shall obtain a Limited Residential Chicken Permit from the Borough prior to acquiring the Chickens.
- b) Permits expire and become invalid 5 years after the date of issuance. A person who wishes to continue keeping Chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit. An annual inspection by the Borough is required also, to ensure continued compliance with the provisions of this part. The annual inspection is a condition of permit issuance, and all inspection fees must be paid by the applicant at the time the inspection is performed, or the permit will be revoked. The inspection fees will be as set from time to time by resolution of the Borough Council.
- c) Notwithstanding the issuance of a permit by the Borough, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of Chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

§2-411. Application Requirements

A Limited Residential Chicken Permit application shall be submitted in accordance with the following:

- a) The application shall be signed by the owner of the subject property, and such signature shall be notarized.
- b) Application shall be made to the Borough and the fee for the permit shall be as determined from time to time by Council resolution.
- c) A separate permit may be required for all accessory structures associated with the keeping of Chickens, and a compliance inspection must be completed prior to the acquisition of Chickens.

§2-412. Responsibilities of the Permittee

A person who keeps or houses Chickens on his or her property shall comply with all of the following requirements:

- a. Have been issued the permit required under subsection 410 of this section.
- b. Keep no more than 6 Chickens.
- c. The principal use of the person's property must be a Single-Family Detached Dwelling.
- d. No person shall keep any rooster.
- e. No person shall slaughter any Chickens

- f. The Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Carroll Valley Borough Code of Ordinances.
- g. 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. If the site requirements of this part render an individual backyard unusable for the purpose of keeping Chickens, the homeowner can request approval from the Borough for an alternative location as long as the alternative location meets all other building/structure setback requirements and the Chicken Coop, Chicken Pen or chickens cannot be seen from a public road or adjacent property.
- 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.
- k. All enclosures for the keeping of Chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- l. All feed and other items associated with the keeping of Chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- m. If the above requirements are not complied with, the Borough may revoke any permit granted under this section and/or initiate legal action as described in section 419 of this part.
- n. A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

§2-413. Permit Revocation and Removal of Items

- a) Compliance with the requirements of this part shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Borough determines that the permitted use does create a nuisance or detriment to public health or safety.
- b) Violation of ordinance standards shall result in permit revocation under this part, and possible enforcement under section 419 of this part, including civil and criminal penalties.
- c) Misrepresentation by a permittee shall result in permit revocation, voiding, or denial.
- d) If an ordinance violation has occurred, the Borough Manager is authorized to order immediate removal of items and structures associated with the permitted use that the Borough Manager or designee determines to create a nuisance or detriment to public health or safety.
- e) Any property owner who has a Limited Residential Chicken Permit revoked, removed, or voided will not be eligible for consideration for another Limited Residential Chicken Permit for a period of 10 years from the date of such action.

§2-414. Non-Commercial Use Only

Uses authorized under a Limited Residential Chicken Permit shall be noncommercial only. Commercial activities are prohibited. Chickens authorized by a Limited Residential Chicken Permit shall be kept as pets or for personal use only.

§2-415. Nuisance Prohibited

Uses authorized under a Limited Residential Chicken Permit shall not create a nuisance. Uses shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries. Only motion-activated lighting shall be used to light any Limited Residential Chicken Permitted Use.

§2-416. Public Health and Safety

Uses authorized under a Limited Residential Chicken Permit shall not create a detriment to public health or safety.

§2-417. Action by the Borough Manager or designee

Upon review of the application and subject to the Application Requirements, the Borough Manager or designee shall approve the Limited Residential Chicken Permit provided the application and use meets all requirements of this Ordinance, except that misrepresentation including forgery by an applicant shall result in permit revocation.

§2-418. Appeal

Any action taken by the Borough Manager or designee may be appealed by the applicant or adjacent land owner. Such appeal will be heard by the Carroll Valley Borough Council, whose determination will be final.

§2-419. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4. 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

Chairman

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.

Commented [DAH1]: Our Attorney was asked if we should have a hold harmless or additionally insured certificate in the name of Borough.

- 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
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- 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

Commented [DAH2]: During the previous meeting this paragraph was discussed for complete removal, and then later it was stated we should re-visit the issue.

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 any effort necessary (including immediate removal from the property) 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

Gayle R. Marthers

From: Zachary Rice <zrice@salzmannhughes.com>
Sent: Thursday, August 31, 2023 5:34 PM
To: David A. Hazlett
Cc: Gayle R. Marthers
Subject: RE: short term rental questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My responses are below in **RED**.

Zachary M. Rice

79 St Paul Drive | Chambersburg, PA 17201
Office: 717.263.2121 Ext. 1118
Fax: 717.263.0663

From: David A. Hazlett <manager@carrollvalley.org>
Sent: Thursday, August 31, 2023 1:56 PM
To: Zachary Rice <zrice@salzmannhughes.com>
Cc: Gayle R. Marthers <gayle@carrollvalley.org>
Subject: short term rental questions

External Email Warning!

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and **KNOW** the content is safe.

Questions from the Planning Commission as they deliberate the issue of regulating short-term rentals (STR) more strictly:

- Could current STR's be grandfathered into the ordinance with a complete prohibition on them moving forward, regardless of location? **I wouldn't recommend it. I think it would be hard to justify a totally exclusionary scheme. Imagine for instance if most or all of the grandfathered-in STRs were eventually discontinued or abandoned – we'd have a use that *per se* is totally excluded.**
- Can the Borough limit STR's to a number...meaning, can the Borough only issue 20 permits, and once 20 are issued, the rest are denied? Meaning the Borough would only have a maximum of 20 STR's? (20 was an arbitrary number, used only for example) **I also wouldn't recommend this. I've never seen it done in practice, and it potentially creates a uniformity/discriminatory issue, where the exact same uses in the same district are being treated totally different solely based on timing.**
- Can the Borough require that STR's have the property owner within 15 minute drive, but not accept an owner's agent to fulfill that requirement? **I think this might be viewed as unduly burdensome, and unjustifiably targeting one type of use. For instance, would we have such a requirement for normal long-term rental properties?**
- Can the Borough make residency requirements for the owners of STR? Example: Owners of STR's can not be from another country. **Same answer as the one immediately set forth above, except perhaps even more questionable because we would now be without question discriminating based on nationality/national origin.**