

BOROUGH of CARROLL VALLEY
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. 1-2024

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

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

DWELLING 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 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, 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 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. 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 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. Septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three (3) years for approval by the Sewage Enforcement Officer. An inspection of the on-lot sewage disposal system to verify consistency with the submitted site and floor plans may be required.
 7. Copies of the current Adams County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
 8. Signatures of both the Owner and the Manager.
 9. Copy of the current recorded Deed for the Premises establishing ownership may be required.
 10. No permit will be issued to any owner who is delinquent with Borough sewer fees or property taxes for all properties owned, in whole or in part, by the Owner in the Borough. If sewer fees or property taxes become delinquent after the issuance of a Short-Term Rental permit, the permit will be revoked until such time as the delinquent account is brought current.
 11. Short-term rental owners must provide weekly trash removal. No dumpsters are permitted.
 12. A statement by the owner 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 on all properties owned, in whole or in part, by the Owner in the 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 one (1) year or until any of the conditions of the Short-Term Rental 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 this part.
4. The Borough will prescribe forms and procedures for processing License applications under this Ordinance.

§ 204-7. Short-Term Rental Standards.

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

Number of Bedrooms	Maximum Number of Occupants
2	8
3	10
4	12
5	14

- B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be fifty percent (50%) of the maximum overnight occupancy of the Short-Term Rental.
- C. For Short-Term Rentals using an on-site septic system, the number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. Where there is no sewage permit on record, the Short-Term Rental shall be limited to three (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any Short-Term Rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, the 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. Off-street parking areas for Short-Term Rental uses must meet the Zoning Ordinance requirements for single-family dwellings. Day visitors must park according to the 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.

- 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 commercial sanitary sewer account for each rental unit on the property.
- 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.
- G. The Owner shall notify the Occupants of the rules regarding Short-Term Rentals and respond when notified that occupants violate laws, ordinances, or regulations regarding their occupancy.
- 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.
- I. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses. Exterior advertising shall conform with the requirements of Chapter 27
- J. All Short-Term Rentals shall have a visible and legible notice posted conspicuously within the dwelling unit 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 property's exterior, including instructions for where and when to place the trash for pickup.
- 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 the 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 a 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 PA Uniform Construction Code; and
- L. The Owner shall not enter into a rental agreement with a person under 18 years of age.
- M. Owner's 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.
- N. The Owner must guarantee continued compliance with Chapter 10. Any violation of Chapter 10 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.
- 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 filing a Short-Term Rental License renewal application, shall be in such amount as may be established by resolution duly adopted by the Borough Council from time to time.
 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, 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 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. 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 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 that 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, Carroll Valley Borough's appropriate officers or agents 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 for any owner 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 Borough Council at the Borough business office within thirty (30) days of the date of the determination appealed from.

§ 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.

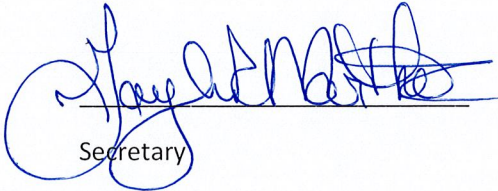
§ 204-19. Effective date.

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

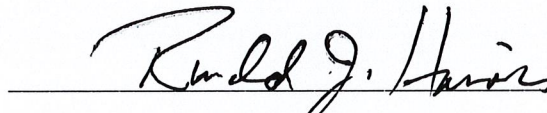
ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this 13th day of February 2024

ATTEST:

CARROLL VALLEY BOROUGH COUNCIL

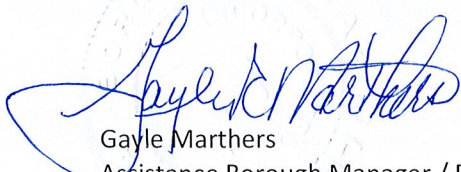

Secretary


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 2-2-24, and was duly enacted and approved at a meeting of the Borough Council of the Borough of Carroll Valley on 2-13-24.


Gayle Marthers
Assistance Borough Manager / Borough Secretary