

TOWNSHIP OF EPHRATA

Lancaster County, Pennsylvania

ORDINANCE NO. 271

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING ORDINANCE OF 2000 TO PROVIDE REGULATIONS GOVERNING SHORT-TERM RENTAL UNITS AND TO REVISE REGULATIONS GOVERNING OFF-STREET PARKING, OTHER USES OF THE SAME GENERAL CHARACTER, AMUSEMENT ARCADES, RECREATION FACILITIES, AND ACCESSORY USES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Ephrata Township, enacted February 8, 2000, as amended (the "Zoning Ordinance") Article IV, District Regulations, Section 401, Agricultural (A) District, Subsection B.2, Special Exceptions, shall be amended to add a new Subsection p, which shall provide as follows:

p. Short-term rental subject to the requirements of Section 661.

Section 2. The Zoning Ordinance, Article IV, District Regulations, Section 402, Residential Low Density (RLD) District, Subsection B.2, Special Exceptions, shall be amended by deleting the existing Subsection i, and replacing it with a new Subsection i, which shall provide as follows:

i. Short-term rental subject to the requirements of Section 661.

Section 3. The Zoning Ordinance, Article IV, District Regulations, Section 403, Residential Medium Density (RMD) District, Subsection B.2, Special Exceptions, shall be amended by deleting the existing Subsection o, and replacing it with a new Subsection o, which shall provide as follows:

o. Short-term rental subject to the requirements of Section 661.

Section 4. The Zoning Ordinance, Article IV, District Regulations, Section 404, Residential High Density (RHD) District, Subsection B.2, Special Exceptions, shall be amended by deleting the existing Subsection h, and replacing it with a new Subsection h, which shall provide as follows:

h. Short-term rental subject to the requirements of Section 661.

Section 5. The Zoning Ordinance, Article IV, District Regulations, Section 406, Mixed Use (C-2) District, Subsection B.2, Special Exceptions, shall be amended to add a new Subsection f, which shall provide as follows:

f. Short-term rental subject to the requirements of Section 661.

Section 6. The Zoning Ordinance, Article V, Supplementary District Regulations, Section 504, Erection of More Than One Principal Structure on a Lot, shall be amended by revising Subsection A as follows:

A. In any district, more than one structure housing a permitted or permissible principal use may erected on a single lot, provided that yard and other dimensional requirements of this Ordinance shall be met for each structure as though it were on an individual lot, and provided further, that land development approval is obtained for the erection of a structure containing a second or subsequent principal use upon any single lot.

Section 7. The Zoning Ordinance, Article V, Supplementary District Regulations, Section 508, Parking and Loading, shall be amended by revising Subsection B, Minimum Parking Requirements, as follows:

B. MINIMUM PARKING REQUIREMENTS

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space. Any use which is subject to more stringent parking regulations under Article VI shall adhere to the more stringent regulations thereunder.

Section 8. The Zoning Ordinance, Article V, Supplementary District Regulations, Section 508, Parking and Loading, Subsection B, Minimum Parking Requirements, Subsection 2, Commercial, shall be amended by inserting a new subsection dd which shall provide as follows:

dd. Short-Term Rental: At least one (1) space per bedroom.

Section 9. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and other Selected Uses, Section 639, Recreation Facilities, shall be amended by inserting Subsection G as follows:

- G. A Recreation Facility may contain an amusement arcade as an accessory use, provided that the amusement arcade does not contain amusement devices that allow users to redeem free games or credits for cash.

Section 10. The Zoning Ordinance, Article VI, Criteria for Special Exceptions, Conditional Uses and other Selected Uses, shall be amended by inserting a new Section 661, which shall provide as follows:

Section 661. SHORT TERM RENTAL

- A. No more than one short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure which also contains one or more dwelling units used for residential occupancy.
- B. All short-term rental units shall be conducted in single-family dwellings. Conversion of an accessory structure into a dwelling unit to be used as a short-term rental unit shall not be permitted.
- C. The applicant for a special exception shall demonstrate to the Zoning Hearing Board that the proposed short-term rental unit contains or meets all of the following:
1. Smoke detector in each bedroom;
 2. Smoke detector outside each bedroom in the common hallway;
 3. Smoke detector on each floor;
 4. GFI outlet required if outlet located within six feet of water source (all sinks, sump pumps, etc.);
 5. Aluminum or metal exhaust from dryer (if a dryer is provided);
 6. Carbon monoxide detector if open flame (oil or gas) furnace or gas fireplace;
 7. Carbon monoxide detector if garage is attached;
 8. Fire extinguisher in kitchen;
 9. Stairs (indoor and outdoor) in good condition;
 10. Covers on all outlets;
 11. If not served by a municipal water supply, the owner shall provide proof that a potable water supply is available for the unit;
 12. If not served by a public sewer system, evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental unit;

13. Fully functioning bathing and toilet facilities;
 14. Fully functioning kitchen (if one has been installed); and
 15. The Property Maintenance Code of Ephrata Township (Ord. No. 225 at the time of enactment of this Section) as amended, reinstated, or succeeded.
- D. Any additions, structural changes or renovations will require bringing the structure into compliance with the Pennsylvania Uniform Construction Code and ADA regulations.
- E. If the short-term rental unit is located in the agricultural zone, the applicant shall present a safety plan acceptable to the Zoning Hearing Board to ensure the safety of the occupants and prevent conflicts with the agricultural operations in the area of the unit.
- F. The applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:
1. The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
 2. The 911 address of the property.
 3. The maximum number of occupants permitted to stay in the short-term rental unit.
 4. The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.
 5. Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of three (3) secured containers.
 6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.
 7. Notification that the occupants must complete a manifest identifying the occupants and emergency contact information and place such manifest in the outdoor box installed to contain such manifest.
- G. The applicant shall designate a local contact person residing within 15 miles of the short-term rental unit, who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner

who resides within the Township or within 15 miles of the short-term rental unit may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer within one (1) hour after being notified by such official of the existence of a violation of an Ephrata Township Ordinance or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.

- H. The applicant shall demonstrate that the applicant has installed an outdoor box which will be used to contain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.
- I. If the special exception is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of use and occupancy for the short-term rental unit until the applicant presents such confirmation of registration.
- J. The Zoning Officer shall not issue a certificate of use and occupancy for a short-term rental until the Zoning Officer and/or another authorized Township official has inspected the short-term rental unit and determined that the applicant has complied with all requirements in this Section and all safety, construction code, and ADA requirements. Inspections for permit renewals are not required, but may be ordered at the discretion of the Zoning Officer.
- K. A short-term rental unit may be rented only to a person 21 years of age or older.
- L. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.
- M. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- N. The owner of the short-term rental unit shall submit an application each year for a permit to authorize continued operation of the short-term rental unit, accompanied

by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this Section 661, and confirm that the short-term rental unit meets all applicable Township Ordinances. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one-year period. Operation of a short-term rental without the required annual permit is a violation of the Zoning Ordinance.

Section 11. The Zoning Ordinance, Article VII, Enforcement Procedures, Section 704, Permits, shall be amended by inserting a new Subsection B, and re-lettering the existing Subsections B through J accordingly. The new Subsection B shall provide as follows:

- B. Zoning Permits for Certain Accessory Uses. The commencement of a new accessory use in connection with an existing principal non-residential use shall be considered a change in use which shall require a zoning permit, whether or not the new accessory use requires the construction, moving, alteration, reconstruction, demolition, or repair of any structure, building or sign or portion thereof. The person making application for such a zoning permit shall have the burden to demonstrate that the proposed accessory use is secondary to the existing principal use; the proposed accessory use is customarily incidental to the existing principal use in Lancaster County, and the existing principal use together with the proposed new accessory will meet all applicable regulations including, but not limited to, off-street parking requirements, impervious surface coverage limitations, Article V, Supplementary District Regulation.

Section 12. The Zoning Ordinance, Article X, Definitions, Section 1002, Terms, shall be amended by revising the term "Amusement Arcade" as follows:

Amusement Arcade – A commercial establishment which provides as a principal use (or an accessory use to a recreation facility) amusement devices and/or games of skill or chance (e.g. pinball machines, video games, firing ranges, and other similar devices); provided, however, that an amusement arcade may not contain games of skill or chance that allow users to redeem free games or credits for cash.

Section 13. The Zoning Ordinance, Article X, Definitions, Section 1002, Terms, shall be amended by inserting or revising the following terms in alphabetical order:

Dwelling - A building or portion thereof used exclusively for residential occupancy as defined herein, including those types of dwellings listed below, but not including hospitals, hotels, institutional houses, tourist courts, and any other facility offering overnight accommodations for guests or patients. A dwelling may be used for transient occupancy only if permitted as a bed and breakfast inn, a boarding house or as a short-term rental as regulated herein.

* * *

Residential Occupancy – The non-transient occupancy of a dwelling unit by one family for a continuous period of 30 or more days. In order for the occupancy of a dwelling unit to be considered residential occupancy, such dwelling unit shall be owner occupied or shall be leased for a period of not less than 30 continuous days.

Short-Term Rental – The use of a dwelling in a manner which does not meet the definition of residential occupancy, i.e. the occupancy of the dwelling for a period of less than 30 consecutive days. The use of a dwelling as an approved bed and breakfast establishment as an accessory use, or as a boarding house, shall not be considered a short-term rental.

Transient Occupancy – Occupancy in a building approved for overnight accommodation for a period of less than 30 consecutive days.

Section 14. All other ordinances, sections, parts and provisions of ordinances of the Township of Ephrata shall remain in full force and effect as previously enacted and amended.

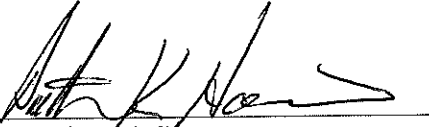
Section 15. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 16. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Ephrata as provided by law.

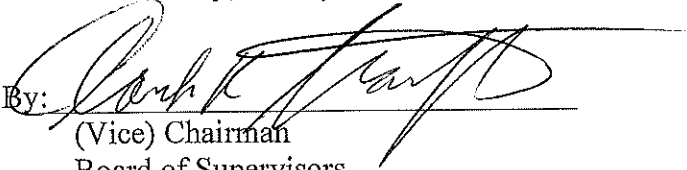
DULY ORDAINED AND ENACTED this 6th day of January, 2020, by Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EPHRATA
Lancaster County, Pennsylvania

Attest:


(Assistant) Secretary

By:


(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of Ephrata, Lancaster County, Pennsylvania (the "Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Ephrata at a meeting duly held on the 6th day of January, 2020; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Ephrata met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of Ephrata or at the public building in which said meeting was held, and providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of Ephrata, this 6th day of January, 2020.

Date: 1/6/2020

[Signature]

(Assistant) Secretary

(TOWNSHIP SEAL)