

ORDINANCE NO. 2023-XX
HELLAM TOWNSHIP
YORK COUNTY, PENNSYLVANIA
AN ORDINANCE OF HELLAM TOWNSHIP, YORK
COUNTY, PENNSYLVANIA, TO ESTABLISH CHAPTER
382 OF THE TOWNSHIP OF HELLAM CODE
PERTAINING TO SHORT-TERM RENTALS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Hellam, and it is hereby enacted and ordained, as follows:

SECTION 1: Chapter 382 of the Code of the Township of Hellam is created to address short-term rentals as follows:

§382-1. Title.

This chapter shall be known as and may be cited as the “Hellam Township Short-Term Rental Ordinance.”

§382-2. Purpose and Intent.

- A. To permit development of short-term rental units in appropriate zoning districts and to require that short-term rental units will be of such character as to promote the objectives and purpose of this Ordinance.
- B. To protect the integrity and character of the Township.
- C. To protect other uses on, and the values of, properties contiguous to or near short-term rentals.

§382-3. Interpretation

This chapter is not intended to, and does not excuse any landowner from compliance with the Hellam Township Zoning Ordinance, as amended from time to time. Whenever possible, this chapter and the Zoning Ordinance should be construed and interpreted as being consistent with, and not in conflict with, the other.

§382-4. Terms defined.

As used in this chapter, the following terms shall have the following meanings:

APPLICANT – a landowner or developer, as defined in the Hellam Township Zoning Ordinance or the Hellam Township Subdivision and Land Development Ordinance, who has filed an application for development, including that landowner or developer’s heirs, successors and assigns.

GUEST – A person who, for personal or business purposes, is invited to visit a premises owned by, or take part in a function organized by, another.

SHORT-TERM RENTAL LICENSE – a license granted by the Township permitting a structure to be utilized for short-term rental use.

SHORT-TERM RENTAL (STR) – the rental of a residential unit or portion thereof for a period of less than 30 consecutive nights, for which the tenant compensates the owner or owners of the unit.

TENANT – each individual = who signed an agreement with the owner or owner’s agent for the temporary use of a short-term rental (STR).

RESIDENTIAL CAMPING UNIT – also known as “glamping” or “glamorous camping”. These structures shall be constructed with canvas or wood and may contain amenities such as beds, electricity, heat and indoor plumbing usually not used when camping traditionally. These units are designed to be used or occupied for transient and recreational purposes and shall follow the regulations for a short-term rental. A residential camping unit shall not exceed 399 square feet of habitable floor area.

§382-4 Location.

- A. A short-term rental is a permitted use in the Rural Agricultural, Residential, Mixed-use 1 and Mixed-use 2 Zones. Short-term rentals are subject to the applicable provisions of Chapter 490.
- B. Conversion of an accessory dwelling unit into a short-term rental is a conditional use in the Rural Agricultural, Residential, Mixed-use 1 and Mixed-use 2 Zones.

§382-5. License Required.

No owner of any property in Hellam Township shall operate a short-term rental in Hellam Township without first obtaining a short-term rental license from the Zoning Officer. Operation of a short-term rental without such license is a violation of this chapter.

§382-6. License Requirements.

- A. Short-term rental license application shall contain all of the following information:
 - 1. The name, address, telephone number and email address of the property owner. If the property owner uses a managing agency their name, address, telephone number and email address shall also be provided.
 - 2. Floor plans for the short-term rental unit, including total habitable floor area, total number of bedrooms and total number of occupants permitted. The floor plan shall also contain an emergency evacuation plan and the locations of all smoke detectors, carbon monoxide detectors and fire extinguishers.
 - 3. A site plan showing the location and number of off-street parking spaces.
 - 4. Proof of adequate sewage disposal as approved by the Sewage Enforcement Officer.

Commented [JK1]: A few questions for consideration:
- Will these structures be required to be placed on a permanent foundation and/or anchored in any way?
- Can these units be part of a "Campground" use? It is possible that in the creation of a campground, some "Residential Camping Units" could be included in the layout (I have personally seen Yurts available for rent in campsites).

Commented [JK2]: This should also be added to the Zoning Ordinance under the applicable Zoning Districts & use charts.

Note: While reviewing the ZO, I noticed that Single Family Dwellings are not permitted in the MU-2 Zone.

Commented [JK3]: Based off of the purpose statement for the Rural Agricultural Zone, I have some reservations about permitting STRs by right in the RA Zone, or even at all. Understanding that the Township has been considering a new Conservation/Riverfront zoning district, those may be zones that are more favorable locations for STRs. We have also seen municipalities adopt STR overlay zones, so that they can target the areas that they feel are acceptable locations for STRs.

Commented [JK4]: Note: Per Section 490-31., only one principal use is permitted in these zones per lot. You would therefore not be able to convert a detached ADU into a STR, unless you subdivided the ADU off of the existing lot.

5. Copy of the current Pennsylvania sales tax license and York County Hotel Excise Tax Certificate.
6. Signatures of both the property owner and the local managing agent or local contact person.
7. Trespass waiver, signed by the owner, allowing access to the property for the Enforcement Officers for the purpose of inspection to verify compliance with this chapter.
8. A copy of the current deed to the subject property.
9. Declaration page of a paid up, current insurance policy in effect with respect to the subject property evidencing at least \$500,000 in liability insurance covering short-term rentals for the full duration of their license term.

§382-7. Short-term Rental Standards.

- A. Individual rooms in a structure shall not be offered for rent as a short-term rental to different tenants unless it is owner occupied.
- B. No yard parking is permitted at any time. Each short-term rental shall include one (1) off-street parking space.
- C. The property owner is responsible for any trash or noise disturbance that is created or caused by any tenant or guest. Failure to have adequate trash storage and weekly collection service or to stop a noise disturbance caused by a tenant shall be deemed a violation of this chapter.
- D. If a complaint is communicated to the property owner, the property owner shall respond on-site within one (1) hour. If the property owner is not within a one (1) hour distance to the short-term rental a local person or management company designated to manage the short-term rental shall be dispatched to address the complaint. Any failure to respond to the complaint within one (1) hour shall be deemed a violation of this chapter.
- E. Quiet hours are from 10:00 PM to 8:00 AM.
- F. The owner shall limit overnight occupancy of the short-term rental to the specific number of tenants and guests designated in their short-term license.
 - a. Overnight occupancy of a short-term rental dwelling unit shall be limited to no more than two persons per bedroom plus four additional persons per dwelling unit.

Commented [JK5]: Consider basing the required number of parking spaces off of the number of bedrooms for each STR to account for multiple occupants driving separately.

Commented [JK6]: Is this defined?

- b. The maximum number of day guests allowed at any one time, in addition to the overnight tenants, shall not exceed 75% of the maximum overnight occupancy of the short-term rental.
- c. The property owner may not advertise an occupancy greater than that designated on their short-term rental license.

G. No signs advertising the short-term rental are permitted anywhere on the property.

H. Any modifications to the external appearance of a building (except fire escapes) shall complement its residential character.

I. The short-term rental license shall be displayed in a conspicuous location within the licensed premises, along with a depiction of an emergency evacuation route, at all times.

J. All occupied rooms offered for rent shall have one (1) working smoke detector and one (1) working carbon monoxide detector.

K. Each short-term rental shall have a working and regularly maintained fire extinguisher on each floor. The location of the fire extinguishers shall be shown on the emergency evacuation route.

L. Each short-term rental shall be inspected when a health and safety complaint is filed with the Township. Each inspection resulting in a violation shall be charged an inspection fee as established in the Township's fee schedule. It shall be the responsibility of the property owner to pay the inspection fee.

M. Any approved accessory dwelling unit shall not be used as a short-term rental. Conversion of an accessory dwelling unit to a short-term rental will require conditional use approval. Conversion of an accessory dwelling unit to a short-term rental shall not be permitted within three (3) years of the date the conditional use is approved.

§382-8. Fees, Term and Renewal.

A. A 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, no later than March 31st of each calendar year following issuance. Initial short-term rental license fees and short-term rental license renewal fees, payable to Hellam Township upon the filing of a short-term rental license application or renewal application, shall be in such amount as may be established from time to time by resolution duly adopted by the Board of Supervisors. All initial short-term rental license fees shall be prorated on an annual basis from the date of submission of the application through December 31st of the current year.

Commented [JK7]: Consider also requiring that contact info for the property owner/management agency be conspicuously posted within the STR, along with emergency contact info (street address, unit number, etc) in case of an emergency where the renters need to contact 911/the property owner/management agency.

Commented [JK8]: Note: other municipalities with STR regulations also require a yearly inspection for the license renewal.

Commented [JK9]: Or management agency?

Commented [JK10]: Is this regarding the approval of the conditional use for the ADU, or the conversion of the ADU to a STR? Does an applicant have to wait 3 years to convert the ADU to a STR after being granted conditional approval to do so?

- B. Short-term rental license renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this chapter.
- C. Verification that all owed sales and hotel taxes have been paid shall be made before a short-term rental license renewal application is granted.

§382-9 Enforcement Officer.

The Enforcement Officer(s) shall be the Zoning Officer, Building Code Officer and Sewage Enforcement Officer appointed by the Board of Supervisors. The Enforcement Officer(s) shall have the responsibility and authority to administer and enforce all provisions of this chapter.

§382-10 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 property owner by United States first class mail. The notice of violation shall identify the premises which is the subject of the violation enumerated the conditions which constitute the violation, cite the specific sections of this chapter which are violated, indicate the action required to correct the violation, and provide a time established by the Enforcement Officer based upon the nature of the violation, to correct the violation. The Hellam Township Police will also be notified of these violations and locations.

§382-11 Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on the Township and community services and impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this chapter is declared to be a public nuisance.

§382-12 Violations and Penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a civil penalty of not more than \$1,000.00. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- B. The Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§382-13 Appeals.

Any person affected by any notice or decision which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the Hellam Township Board of Supervisors.

- A. Such person shall file, in writing, with the Secretary of the Board of Supervisors, a written petition requesting a hearing and setting forth a brief statement of the grounds for appeal. Such appeal shall be filed with the Board of Supervisors within 30 days of the date of the denial of application, revocation of permit or notice of violation.
- B. The filing of request for a hearing shall operate as a stay of the notice and suspension, of further action except in a case where immediate action is necessary to protect the public health.
- C. Upon receipt of a petition, the Board of Supervisors shall set a time and place for a hearing and shall give the petitioner written notice thereof.
- D. After such hearing the Board of Supervisors shall make findings as to compliance with the provisions of this chapter and shall issue an order in writing granting the appeal or affirming the notice or decision appealed.

SECTION 2. 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 that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective five (5) days after adoption.

Enacted and Ordained by the Board of Supervisors of Hellam Township, York County, Pennsylvania, in lawful session assembled, this ____ day of ____, 2023.

TOWNSHIP OF HELLAM

Attest:

Secretary

Chairman, Board of Supervisors