

POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019 –

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 158 OF THE POCOPSON TOWNSHIP CODE, ENTITLED “RENTAL UNITS” TO ADOPT REGULATIONS GOVERNING SHORT TERM RENTAL UNITS.

WHEREAS, Section 1506 of the Second Class Township Code, 53 P.S. § 66506, authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and for the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, Section 1529 of the Second Class Township Code, 53 P.S. § 67529, authorizes the Board of Supervisors to adopt ordinances prohibiting nuisances; and

WHEREAS, the use of dwelling units for short-term rentals has become increasingly popular in the Township; and

WHEREAS, due to the transient nature of the occupants of a short-term rental, the use of a dwelling as a short-term rental unit may disrupt the character of a traditional single-family neighborhood and create noise, parking congestion, litter, overuse of sewage facilities, trespass, and other nuisances that are not normally associated with the use of a dwelling by a non transient family; and

WHEREAS, the Board of Supervisors finds that is in the best interest of the Township to protect the public health, safety and welfare to regulate short-term rental units in dwelling units and to require inspections and issuance of permits prior to the use of a dwelling unit for a short-term rental unit;

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pocopson Township that Chapter 158 of the Pocopson Township Code, titled, “Rental Units”, shall be amended as follows:

“Chapter 158
RENTAL UNITS

ARTICLE I
RENTAL UNITS

§ 158-1. Purpose and applicability. It is the intention of Pocopson Township to ensure the proper maintenance of all residential rental properties and to keep accurate records of all Township residents for purposes of collecting the earned income tax and for emergency services. The provisions in this Article I shall not apply to short term rental units which shall be governed by the provisions in Article II.

§ 158-2. Definitions.

As used in this article, the following words and phrases shall have the meanings set forth herein unless the context otherwise clearly requires:

CERTIFICATE OF REGISTRATION

A certificate identifying the rental unit, the owner(s) thereof and the proposed and/or present occupant(s) thereof, and certifying that the rental unit has been subject to such inspections as may be required and is deemed in compliance with all relevant Township regulations and may be occupied by the occupant for the purposes intended.

LEASE

Any permission, written or oral, to occupy a rental unit however denominated. The term shall include, without limitation, occupancy by license, assignment, lease or any other method so long as title in fee simple absolute is not transferred to the occupant.

OCCUPANT

Any person occupying or having the right to occupy a rental unit or any part thereof pursuant to any lease and not otherwise exempted under the provisions of § 158-6 hereof.

OWNER

The person(s) in whose name(s) the property on which the rental unit is located on is titled as set forth in the Office of the Recorder of Deeds of Chester County, Pennsylvania, and/or as reflected on the tax duplicate issued by the Chester County Assessor, or any person, as hereinafter defined, in control or with right of control, directly or indirectly, over the occupancy or right of occupancy of any rental unit. The term shall include, but not be limited to, the fee owner of a rental unit, a lessee who sublets or underlets the unit or any part thereof, the assignor of rights of occupancy and any licensor who allows another to occupy the rental unit, whether or not such occupancy is exclusive. It is intended that this chapter shall include all such levels of ownership or control over right of possession, and in the event any such form of control or ownership is subject to varying interpretations of exclusion, it is the intent that all such issues shall be resolved in favor of inclusion. Where the rental unit is subject to varying or multiple levels of ownership or control, it is intended that all owners shall be subject to compliance with the obligations imposed hereunder and the liability for any violation shall be joint and several.

PERSON

Natural persons, corporations, trusts, partnerships, tenants by the entirety, joint tenants, tenants in common, limited liability companies and any other entity holding title or right to possession of a rental unit. Where the entity consists of multiple natural persons such as partnerships, tenants by the entirety or joint tenancies, each such partner, joint tenant or operating officer of a corporate or similar owner shall be bound by the obligations of this chapter and shall be jointly and severally liable for any penalties imposed for violation thereof.

PROPERTY

A parcel of real estate located in Pocopson Township that has been assigned a Chester County tax parcel number.

RENTAL UNIT

Any space that is rented for human occupancy by lease, regardless of the term of the lease, but excluding units within a motel or hotel rented by the day for transient occupancy, and excluding short term rental units and bed and breakfasts. The term includes, without limitation, mobile homes, mobile home pads occupied by mobile homes owned by others for human habitation, single-family dwellings, two-family dwellings, multifamily dwellings and apartments. It is intended that this article shall include all such forms of occupancy, and it is the intent that all such issues shall be resolved in favor of inclusion within the sweep of the regulatory scheme of this article.

§ 158-3. Application and fees.

No owner shall lease any rental unit or any part thereof within Pocopson Township to any person or persons until the Codes Enforcement Officer or his designee has issued a certificate of registration for that identified occupant(s).

§ 158-4. Certificate of registration.

Each owner of a rental unit shall, within the time limits herein set forth, obtain a certificate of registration as to each occupant of the rental unit, pursuant to the following procedures:

A. Initial certificate. Within 60 days after the effective date of this chapter, each owner shall file with the Codes Enforcement Officer or his designee, on a form provided by the Township, an application for a certificate of registration for each rental unit owned or controlled by said owner(s) within the Township, and pay the required fees. Thereafter, upon the creation of any new rental unit within the Township, the owner shall file with the Codes Enforcement Officer or his designee an application for a certificate of registration for the new rental unit, along with the required fee. On the application form, the applicant shall identify the rental unit by address and tax parcel number, and shall provide the names(s), mailing address(es) and telephone number(s) of the owners thereof, a telephone number where the owner or his/her representative may be contacted in event of emergency, the name and address of each person who is an occupant or occupying

the rental unit with the consent of the owner, and such other information as the Codes Enforcement Officer or his designee may reasonably require for the administration of this chapter.

B. Change certificate. After obtaining the initial certificate of registration, prior to occupancy by a new occupant, the owner shall file with the Codes Enforcement Officer or his designee a change of certificate of registration form. The form shall include the date the prior occupants vacated the rental unit, the name and address of the new occupants, the date the new occupants will take possession of the rental unit, and such other information as the Codes Enforcement Officer or his designee finds necessary for the administration of this chapter.

C. The Codes Enforcement Officer or his designee shall conduct an inspection of the rental unit prior to the issuance of the initial certificate of registration to determine compliance with the standards set forth in § 158-5. The Codes Enforcement Officer or his designee shall give at least 72 hours' advanced notice to the owner of each rental unit of the date and time of the inspection. In the event the unit is currently occupied, the owner shall give advanced notice to each occupant of the time and date of the inspection.

D. If the Codes Enforcement Officer or his designee determines the rental unit is in substantial compliance with § 158-5 and the application is otherwise complete, s/he shall issue the requested certificate of registration and the owner may permit the rental unit to be used and occupied as such.

E. If the Codes Enforcement Officer or his designee determines that the rental unit is not in substantial compliance with § 158-5, the initial certificate of registration will not be issued until the rental unit is brought into substantial compliance.

F. The Codes Enforcement Officer or his designee shall reinspect each rental unit every two years following the issuance of the initial certificate of registration. Owners shall be required to file an application for reissuance of certificate of registration and pay an associated fee for such reinspection.

G. The Codes Enforcement Officer or his designee may conduct additional reinspections upon receipt of any information that a rental unit is noncompliant with the standards set forth in § 158-5. The owner shall be responsible for the cost of such inspection.

H. Should, upon reinspection, the Codes Enforcement Officer or his designee find any rental unit to be noncompliant with the standards set forth in § 158-5, the certificate of registration may be revoked and/or denied until compliance is achieved.

§ 158-5. Inspections.

A. All rental units shall comply with the Township Code, including, but not limited to, the Zoning Chapter and Building Code. In addition, each rental unit shall be inspected for the following required components.

- (1) Smoke detectors are required one per floor. If the layout of the rental unit is unusual, more may be required. New construction rental units shall comply with the Building Code requirements for smoke detectors. If smoke detectors are hard wired (110 volt), they must be replaced with same. A battery-operated unit cannot be used to replace a hard-wired unit. All smoke detectors are to be placed on the ceiling, 18 inches from walls. Smoke detectors shall be less than 10 years old.
- (2) A carbon monoxide detector is required in the bedroom areas.
- (3) House number must be properly displayed and seen easily from the street. The house numbers must be placed on the street-side and must be at least four inches in height. Any accessory dwelling used as a rental unit must have its own house number.
- (4) Rental unit occupants cannot store gasoline or propane indoors. All paint solvents or other flammable materials must be stored in a safe location.
- (5) Double cylinder locks are not permitted on the designated egress door. Each rental unit must have at least one egress door that does not have a double cylinder lock.
- (6) Electrical systems shall be properly installed with Underwriters Laboratories (UL) sticker on main breaker. No exposed wires or open boxes are permitted and proper grounding is required. (Ground fault interrupters [GFI] are required within six feet of all water basins and wet/damp areas, etc.).
- (7) Heating systems shall be in proper operating condition and shall bear evidence of annual maintenance.
- (8) Every rental unit shall have at least one portable fire extinguisher. Fire extinguishers must have valid expiration date or present year date on tags.

B. Where the Township Code and/or state and federal law and regulation contain more stringent provisions, the owner shall comply with the more stringent provisions.

§ 158-6. Exemption.

The provisions of this article shall not apply where an owner-occupant is called away on a temporary basis, not to exceed one year, and rents the unit during that absence. The owner-occupant shall notify the Codes Enforcement Officer or his designee, on a Township-provided form, of the dates of the intended absence, the name and address of the occupants during the absence and such other information as the Codes Enforcement Officer or his designee may reasonably require for the administration of this chapter.

§ 158-7. Fees.

The Board of Supervisors shall, by resolution, adopt and may, from time to time by resolution, amend a schedule of fees and charges for the administration of this article.

§ 158-8. Reporting requirement.

It shall be the duty of the owner of every rental unit located within Pocopson Township to prepare and file an annual report with the Township Treasurer that shall state the complete name and address of each person 18 years of age and older who is currently residing or has resided in each rental unit as of December 31 of the proceeding calendar year, in order to provide for the uniform and equitable collection of earned income and other taxes levied within Pocopson Township, as well as for emergency services purposes.

§ 158-9. Filing deadlines.

The initial report required under § 158-8 shall be prepared and filed by the owner not later than 60 days following the effective date of this article. Subsequent reports shall be prepared and filed by the owner annually by January 30.

§ 158-10. Violations and penalties.

A. The Township's Codes Enforcement Officer or his designee is the designated enforcement officer for the assessment and enforcement of violations under this article.

B. The Township's Codes Enforcement Officer or his designee shall determine in each instance whether a violation of this article has occurred. Upon determination that such violation has occurred, a notice of violation shall be directed to the owner of the rental unit. Such notice shall be served on the owner in person or by first-class U.S. Mail, postage prepaid, at the last known address of owner as determined by the Codes Enforcement Officer or his designee.

C. The Codes Enforcement Officer or his designee may, in that Officer's discretion, provide for a reasonable period of time, not to exceed 14 days, for the owner to abate the violation, during which grace period no penalty shall be imposed, provided that the violation is abated prior to the expiration of such period.

D. In the event the violation is not abated or where abatement is not appropriate, the Codes Enforcement Officer or his designee shall assess a penalty for each violation in an amount not exceeding \$250. Each day that a violation continues

unabated shall be a separate violation. Where the violation relates to occupancy of a rental unit, where multiple occupants occupy the rental unit, the occupancy by each occupant shall be deemed a separate offense.

E. In the event the owner fails to pay the penalty as assessed or cure the violation within the time set forth in the notice of violation, the Codes Enforcement Officer or his designee and/or the Township Solicitor may file a civil enforcement proceeding before the Magisterial District Judge or other court of competent jurisdiction. Any owner, upon being found liability, shall pay a civil penalty in an amount of not more than \$250, plus costs, fees and attorney's fees incurred by Pocopson Township. Each day that the violation continues shall be deemed a separate offense.

F. Any owner who permits occupancy of a rental unit without first having obtained the required certificate of registration shall, upon being found liable of a violation of this article in a civil enforcement proceeding before a Magisterial District Judge or other court of competent jurisdiction, pay a civil penalty in an amount of not more than \$250, plus costs, fees and attorney's fees incurred by Pocopson Township. Each day that the violation continues shall be deemed a separate offense. Where multiple occupants occupy the rental unit, the occupancy by each occupant shall be deemed a separate offense.

G. Any person who shall violate § 158-8 or § 158-9 of this article by failing or refusing to file the required report shall, upon being found liable in a civil enforcement proceeding before a District Judge or other court of competent jurisdiction, pay a civil penalty in an amount not exceeding \$500, plus all costs, fees and attorney's fees incurred by Pocopson Township. Each day that a violation continues shall be deemed a separate offense.

H. Notwithstanding the foregoing, Pocopson Township may pursue any and all other remedies available at law or in equity.

ARTICLE II SHORT TERM RENTAL UNITS

§ 158-11. Applicability. The provisions in this Article II shall only apply to the use of dwellings as short term rental units.

§ 158-12. Definitions.

As used in this article, the following words and phrases shall have the meanings set forth herein unless the context otherwise clearly requires:

LEASE

Any permission, written or oral, to occupy a short term rental unit however denominated.

OWNER

The person(s) in whose name(s) the property on which the short term rental unit is located in is titled as set forth in the Office of the Recorder of Deeds of Chester County, Pennsylvania, and/or as reflected on the tax duplicate issued by the Chester County Assessor, or any person, as hereinafter defined, in control or with right of control, directly or indirectly, over the occupancy or right of occupancy of any rental unit.

SHORT TERM RENTAL PERMIT

A permit issued by the Township to allow the use of a dwelling unit as a short term rental unit which identifies the rental unit and the owner(s) thereof and which certifies that the short term rental unit has been subject to such inspections as may be required and is deemed in compliance with all relevant Township regulations and may be occupied by the occupant for the purposes intended.

SHORT TERM RENTAL UNIT

Any dwelling unit which is utilized as a single-family dwelling rented for the purpose of overnight lodging for a period of 7 days or less. Such use shall be permitted as an accessory use to a dwelling unit in the RA District.

§ 158-13. Short Term Rental Permit Required.

No owner of any property in Pocopson Township shall lease any short term rental unit to any person or persons until the Codes Enforcement Officer or his designee has issued a short term rental permit.

§ 158-14. Short Term Rental Permit Requirements.

- A. The Township will provide application forms for a short term rental permit.
- B. A short term rental permit shall be required for each dwelling unit that is rented as a short-term rental unit.
- C. A short term rental permit shall be effective for a period of one year or until the property is transferred to a new owner.
- D. A short term rental permit must be renewed annually.
- E. A short term rental permit application shall contain all of the following information:

1. The names(s), mailing address, telephone number and email address of the owners thereof and telephone number where the owner may be contacted in event of emergency.
2. The name, mailing address, telephone number and email address of the property manager and/or local agent of the short term rental unit who may be contacted in event of emergency in lieu of the owner.
3. Floor plans for the short term rental unit, including total number of bedrooms.
4. Site plan showing location and number of off-street parking spaces.
5. A description of the sewage disposal system for the dwelling unit and its capacity.
6. Signatures of both the owner and property manager and/or local agent.

§ 158-15. Short Term Rental Unit Standards.

- A. A short term rental unit shall be subject to the following regulations:
 1. The short term rental unit shall be considered an accessory use to the dwelling unit and shall remain incidental and secondary to the principal use of the building as a single-family dwelling.
 2. Overnight occupancy for short term rental units shall be limited to no more than two persons per bedroom.
 3. No bedrooms shall contain any cooking facilities.
 4. No food shall be served to guests.
 5. One off street parking space shall be required for every bedroom in the short term rental unit. Outdoor parking for guests shall be limited to the available off street parking areas on the property. In no event shall parking for the short term rental unit include space in any street right-of-way or on any lawns or vegetated areas.

6. Guests of the short term rental unit may not occupy overnight any recreational vehicles, campers or trailers on the property where the short term rental unit is located.
7. The requirements of all other applicable ordinances of the Township, including but not limited to building, electrical, fire, and plumbing codes, shall be met.
8. Occupants of a short term rental unit shall not be permitted to sleep outdoors or in tents.
9. There shall be no signs identifying the short term rental unit.
10. No guest may be registered for a maximum continuous period in excess of seven consecutive nights.
11. The dwelling shall not be rented as a short term rental unit for more than 90 days in a calendar year.
12. The owner shall maintain a guest register and shall preserve registration records for a minimum of three years. The register and all records shall be made available for inspection by the Codes Enforcement Officer at any time.
13. The short term rental unit shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
 - a. The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service on behalf of the owner of the unit, and a telephone number at which that party can be reached on a 24-hour basis.
 - b. The 911 address of the property.
 - c. The maximum number of occupants permitted to stay in the dwelling unit at any one time.
 - d. The maximum number of vehicles allowed to be on the property and the requirement that all guest parking must be in the available off-street parking areas on the property.

- e. The trash and/or recycling pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 - f. Notification that the guests and/or the property owner may be cited or fined for creating a disturbance or for violating any other provision of the Township Code, or state or federal law.
14. The short term rental unit shall comply with all requirements in §158-5.A.

B. Prior to the issuance of a short term rental permit, and biennial thereafter upon renewal of the short term rental permit, the Codes Enforcement Officer shall inspect the short term rental unit to determine if it complies with the standards in this article. If the Codes Enforcement Officer determines that all of the requirements of this section and other applicable codes and regulations are met, the Codes Enforcement Officer shall issue a short term rental permit which shall be valid for a period of one year, unless sooner revoked for violation of any condition imposed in this article.

C. Upon nonrenewal or revocation of the short term rental permit for cause shown, the use of the dwelling as a short term rental unit shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this article and/or such other legal action as the Township shall determine necessary.

§ 158-16. Fees.

The Board of Supervisors shall, by resolution, adopt and may, from time to time by resolution, amend a schedule of fees and charges for the administration of this article.

§ 158-17. Violations and penalties.

A. The Township's Codes Enforcement Officer or his designee is the designated enforcement officer for the assessment and enforcement of violations under this article.

B. The Township's Codes Enforcement Officer or his designee shall determine in each instance whether a violation of this article has occurred. Upon determination that such violation has occurred, a notice of violation shall be directed to the owner of the rental unit. Such notice shall be served on the owner in person or by first-class U.S. Mail, postage prepaid, at the last known address of owner as determined by the Codes Enforcement Officer or his designee.

C. In the event the violation is not abated or where abatement is not appropriate, the Codes Enforcement Officer or his designee shall assess a penalty for each violation in an amount not exceeding \$250. Each day that a violation continues unabated shall be a separate violation. Where the violation relates to occupancy of a short

term rental unit, where multiple occupants occupy the short term rental unit, the occupancy by each occupant shall be deemed a separate offense.

D. In the event the owner fails to pay the penalty as assessed or cure the violation within the time set forth in the notice of violation, the Codes Enforcement Officer or his designee and/or the Township Solicitor may file an civil enforcement proceeding before the Magisterial District Judge or other court of competent jurisdiction. Upon being found liable of a violation of this chapter, the owner shall pay a civil penalty in the amount of not more than \$250, plus costs, fees and attorneys' fees incurred by Pocopson Township. Each day the violation continues shall be deemed a separate offense.

E. Any owner who permits occupancy of a short term rental unit without first having obtained the required permit shall, upon being found liable of a violation of this chapter in a civil enforcement proceeding before a Magisterial District Judge or other court of competent jurisdiction, pay a civil penalty in an amount of not more than \$250, plus costs, fees and attorney's fees incurred by Pocopson Township. Each day that the violation continues shall be deemed a separate offense. Where multiple occupants occupy the rental unit, the occupancy by each occupant shall be deemed a separate offense.”

SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Goshen Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Pocopson Township ordinances and/or codification and to bring the Ordinance into conformity with the Pocopson Township ordinances/codification.

SECTION 5. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2019.

ATTEST:

BOARD OF SUPERVISORS

POCOPSON TOWNSHIP

Susan Simone, Secretary

Ricki Stumpo, Chairman

Elaine DiMonte, Vice-Chairman

Alice J. Balsama, Member