

**BOROUGH OF MYERSTOWN
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 872

AN ORDINANCE REGULATING SHORT-TERM RENTAL UNITS WITHIN THE BOROUGH, ESTABLISHING A LICENSING PROGRAM, AND SETTING FORTH PENALTIES FOR VIOLATIONS.

Section 1. Title.

This Chapter shall be known as and may be cited as "The Myerstown Borough Short-Term Rental Ordinance."

Section 2. Scope.

- A. The provisions of this Ordinance shall apply to all Short-Term Rentals, as defined in §27-1502 of the Zoning Ordinance of the Borough of Myerstown. The owner of the subject property shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the property owner.
- B. This Ordinance shall also not apply to a hotel or motel, bed and breakfast/inn, boarding house, or group home, as defined within the Zoning Ordinance of the Borough of Myerstown.

Section 3. Interpretation.

This Ordinance is not intended to, and does not, excuse any property owner from compliance with the Zoning Ordinance of the Borough of Myerstown, as amended from time to time. Whenever possible, this Ordinance and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.

Section 4. Definitions.

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

BEDROOM - A room or space designed to be used for sleeping purposes with two (2) 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, and sitting room or similar is

not to be considered a Bedroom.

OWNER'S AGENT – A person or entity with actual authority to represent the owner for purposes of contact and communication regarding the owner's Short-Term Rental. An Owner's Agent must reside or have an office within approximately fifteen (15) miles of the Short-Term Rental Property and be able to act as legal agent for the owner. The Borough must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Owner's Agent.

SHORT-TERM RENTAL - Any dwelling unit within a residential or mixed-use structure which is rented or leased for overnight lodging to transient guests for a period of not less than one (1) day nor more than thirty (30) consecutive calendar days. Short-term rentals shall include vacation homes but shall not include bed and breakfast inns, boarding or rooming houses, or hotels/motels as defined in the Zoning Ordinance of the Borough of Myerstown.

SHORT-TERM RENTAL LICENSE – A written document indicating permission granted by the Borough of Myerstown to utilize a property as a Short-Term Rental.

Section 5. License Required.

No owner of any property in Myerstown Borough shall operate a Short-Term Rental in Myerstown Borough without first obtaining a Short-Term Rental License from the Zoning Officer. Operation of a Short-Term Rental without such Short-Term Rental License is a violation of this Ordinance. Permits may be transferable to any new owner of the property within ninety (90) days of its issuance.

Section 6. License Requirements.

A. Short-Term Rental License applications shall contain all of the following information:

1. The name, address, telephone number and email address of the property owner. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a 24-hour telephone number. If the property owner uses a managing agency, agent or local contact person to act as the Owner's Agent, then that managing agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over approximately fifteen (15) miles from the Short-Term Rental, an agent or local contact person must be selected to act as Owner's Agent for the property.
2. The name, address and 24-hour telephone number of the managing agency, Owner's Agent or local contact person, if applicable.
3. The total number of bedrooms and maximum number of overnight guests, which must be in accordance with the provisions of this Ordinance and the Zoning Ordinance.

4. If the building is a multi-unit structure, the total number of units being used as Short-Term Rentals. Note: A Short-Term Rental unit may not be located in a structure that contains one or more other dwelling units used for non-transient living quarters.
 5. A diagram or photograph showing the location and number of on-site parking spaces, the number of which must be no less than one (1) off-street parking space per bedroom.
 6. Copies of current Lebanon County Hotel Room Excise Tax Certificate and current Pennsylvania Sales, Use and Hotel Occupancy Tax License.
 7. Signatures of both the property owner and the Owner's Agent, if applicable.
 8. Trespass waiver signed by the property owner allowing access to the property for the Code Enforcement Officer for the purpose of inspection to verify compliance with this Ordinance.
 9. Copy of the current recorded Deed for the Property establishing ownership.
 10. Each owner shall maintain at least at least \$500,000 in general liability insurance on the Short-Term Rental for the full duration of the license term and provide proof of the same to the Borough.
 11. Written notice to any homeowners' association, indicating the intent to make application for and use the subject residential property for a Short-Term Rental, when applicable, along with evidence of approval from the homeowners' association.
- B. A Short-Term Rental License shall be issued only to the property owner of the Short-Term Rental property.
1. A separate Short-Term Rental License is required for each Short-Term Rental; for Two-Family or Multi-Family Dwellings, a separate License shall be required for each unit being rented 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 Ordinance 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 Ordinance are changed.
 3. The Borough will prescribe forms and procedures for the processing of License Applications under this Ordinance.

Section 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. Exceptions may be approved by Borough Council, upon requests made in writing.
- B. The maximum number of day guests allowed at any one time, including the number of overnight occupants, shall be ten (10). Exceptions may be approved by Borough Council for certain special or one-time events, with the specific circumstances to be detailed in a written request from the property owner.
- C. The number of bedrooms permitted for a Short-Term Rental shall not exceed the number of bedrooms approved for the Short-Term Rental at the time the Short-Term Rental use is approved for the property.
- D. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental guests include spaces in any public street right-of-way or on any lawns or vegetated areas.
- E. 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.
- F. The property 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 Borough's Code of Ordinances, or any state law 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.
- G. 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 Code or Ordinances, or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- H. Overnight occupancy of recreational vehicles, campers, 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 any surrounding residential uses.

- J. Fireworks and floating lanterns are prohibited.
- K. Subleasing all or a portion of the Short-Term Rental is prohibited.
- L. All Short-Term Rentals shall have a clearly visible and legible notice posted within the Short-Term Rental unit on or adjacent to the front door containing the following information:
 - 1. The name of the property owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
 - 2. The E-911 address of the property.
 - 3. The maximum number of occupants permitted to stay in the Short-Term Rental and the maximum number of day guests permitted at any one time.
 - 4. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property 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. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
 - 6. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Myerstown Borough Code of Ordinances, including parking and occupancy limits.
 - 7. Notification that Short-Term Rental occupants and guests are required to make the unit available for inspection by the Code Enforcement Officer 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 (6) feet of water source;
 - 5. Aluminum or metal exhaust from dryer;
 - 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 indicated in Appendix G of the 2009 International Residential Code.

N. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental License, the violation of which may result in a revocation of that License by the Code Enforcement Officer.

Section 8. Fees, term and renewal.

- A. Short-Term Rental License fees, payable to Myerstown 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 good 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 Myerstown 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.
- C. 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.
- D. Borough Council may establish, by resolution duly adopted, a fee for the inspections required as set forth in Section 10 of this Ordinance.
- E. Verification that all owed hotel and sales taxes have been paid shall be made before License renewal is granted.
- F. Short-Term Rental License renewal shall require inspections outlined in Section 10 of this Ordinance.

Section 9. Enforcement Officer.

The administrator of this article shall be the Code Enforcement Officer as appointed by Myerstown Borough, which shall include any appointed Assistant Code Enforcement Officers. The Enforcement Officer shall have the responsibility and authority to administer and enforce all provisions of this Ordinance.

Section 10. Inspections Required.

- A. All Short-Term Rentals shall be subject to inspections by the Code Enforcement Officer and/or the Building Code Official to verify application information, License, License renewal and/or operating requirements.
- B. The issuance of a Short-Term Rental License is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Ordinance.
- C. If there is reason to believe that any provision of this Ordinance is being violated, the Borough Council may or may cause, through an authorized representative of Myerstown 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 property owner or his agent to secure access thereof.

Section 11. Marketing.

The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Ordinance, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance.

Section 12. Notice of Violation.

If it appears to a Code Enforcement Officer that a violation of this Ordinance exists or has occurred, the Code Enforcement Officer shall send a written Notice of Violation to the property owner by personal delivery or by both United States first class and certified mail. The Notice of Violation shall identify the premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance which 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.

Section 13. Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Myerstown Borough and community services and impacts on adjacent residential neighborhoods posed by Short-Term Rentals, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

Section 14. Violations and penalties.

- A. This Ordinance 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 who or

which violates or permits a violation of the provisions of this Ordinance 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 Myerstown 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 Myerstown Borough are hereby authorized to seek equitable relief by filing a civil action, including a request for injunctive relief, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Myerstown Borough for its general use.

- B. In addition to, but not in limitation of, the provisions of Subsection A. of this Section and Section 13 of this Ordinance, the Code Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental License if there are three (3) uncured or repeated violations of this Ordinance in any rolling twelve (12) calendar-month period. The revocation or denial to renew a Short-Term Rental License shall continue for six (6) months for the first set of three (3) uncured or repeated violations, and continue for one (1) year for any subsequent sets of violations.

Section 15. Owners severally responsible.

If the premises are owned by more than one property owner, each owner shall be jointly and severally be subject to prosecution or other legal action for a violation of this Ordinance.

Section 16. Appeals.

- A. Appeals of a determination of the Code Enforcement Officer under this Ordinance to deny any application for, or application to renew, a Short-Term Rental License, or to revoke a Short-Term Rental License, shall be filed with the Borough Council within thirty (30) days of the date of the denial of application for or revocation of the License. Appeals shall be processed as follows:
1. All appeals shall be in writing and signed by the Appellant on forms prescribed by the Borough, and shall be accompanied by a fee, the amount of which shall be established by the Borough Council by resolution, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
 2. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific circumstances of the case and the applicable provisions of this Ordinance.

B. Hearings

The Borough Council shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law", and in accordance with the following requirements:

1. Written notice shall be given to the Appellant, the Code Enforcement Officer, and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Borough Council, but not less than fifteen (15) days prior to the hearing.
2. The hearing shall be held within sixty (60) days from the date the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Borough Council. The decision or, where no decision is called for, the findings shall be in writing by the Borough Council within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States First Class mail postage prepaid.
4. The President or Vice-President of the Borough Council or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Borough Council may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Borough Council, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
8. The Borough Council shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

Section 17. Severability.

In 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 of Myerstown 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.

Section 18. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 19. Effective Date.

This Ordinance shall become effective in accordance with the law.

ORDAINED AND ENACTED this 10th day of October, 2023, by
Borough Council of the Borough of Myerstown, Lebanon County, Pennsylvania.

BOROUGH OF MYERSTOWN
Lebanon County, Pennsylvania

ATTEST:

Michael R. McKenna
Michael R. McKenna, Secretary

By: Bryan L. Rittle
Bryan L. Rittle, President

Examined and Approved this 17th day of October, 2023.



By: Dane W. Bicher
Dane W. Bicher, Mayor