

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. 09-05-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIC TOWNSHIP TO REVISE REGULATIONS GOVERNING SHORT-TERM RENTALS.

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

Section 1. The Zoning Ordinance of Martic Township, Article VI, Special Exception Regulations, shall be amended to add a new Section 619, Short-Term Rentals, which shall provide as follows:

Section 619. Short-Term Rentals. Where authorized by Article IV, a short-term rental may be permitted by special exception subject to the following criteria:

A. No modification to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

B. All floors above-grade shall have direct means of escape to ground level.

C. Any sign shall comply with the requirements for signs for home occupations.

D. Detectors and Alarms.

1. A smoke detector/alarm shall be placed in each guest bedroom and on each floor, including any basement.

2. A carbon monoxide detector shall be installed if fossil fuel appliances or a fossil fuel furnace is installed in the short term rental unit.

3. A carbon monoxide detector shall be installed if a garage is attached to the short term rental unit.

E. A fire extinguisher shall be placed in the kitchen mounted in a conspicuous location with a current charging tag.

F. Minimum lot area –Two (2) acres.

G. Maximum number of bedrooms available for overnight guests shall be determined by the building size as follows:

1. Building size less than two thousand two hundred (2,200) square feet – Four (4) bedrooms.
2. Building size two thousand two hundred (2,200) square feet or greater – Five (5) bedrooms. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.

H. The Applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and conspicuously posted at the short-term rental which shall contain, at a minimum, all of the following information:

1. The name of the local contact person or owner of the short-term rental and a telephone number at which that party may be reached on a 24-hour basis.
2. The address of the property which Lancaster County Communications uses for emergency response purposes.
3. The maximum number of occupants permitted to stay in the short-term rental.
4. The maximum number of all vehicles allowed to be parked on the property and a statement that parking is not permitted in any public street right-of-way.
5. A statement notifying the occupants 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.
6. Notification that the occupants must complete a manifest identifying the occupants. Copies of the form for the manifest must be provided.

I. The Applicant shall designate a local contact person who shall reside within five (5) miles of the short term rental and who shall have access and authority to assume management of the short-term rental and take remedial measures. An owner who resides within the Township or within five (5) miles of the short-term rental 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 hour after being notified by such official of any disturbance on the property. There shall be a local contact person at all times the short term rental is operated. The owner of a short-term rental 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.

J. If on-lot sewer sewage disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method of sewage disposal. The on-lot sewage disposal system shall meet all current DEP regulations. Cesspools and similar nonconforming sewage

disposal system shall be replaced prior to the issuance of a zoning permit for the short term rental use. The applicant shall present a written report from the Sewage Enforcement Officer identifying the type of on-lot sewage disposal on the lot, whether the on-lot sewage system meets all DEP regulations for the number of bedrooms to be used by the short term rental, and whether any changes or replacement of the on-lot sewage disposal system is necessary to comply with this requirement at the hearing. If the applicant fails to provide the required report by the Sewage Enforcement Officer at the hearing, the Zoning Hearing Board shall deny the application.

K. No accessory buildings shall be used to provide rooms for overnight guests. Only one (1) building per lot shall be used for overnight guests.

L. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

M. The applicant shall provide two off-street parking spaces for the first three bedrooms in the short term rental. If the short term rental has more than three bedrooms, the applicant shall provide at least three off-street parking spaces. The applicant shall present a plan to the Zoning Hearing Board showing the access to and location of the off-street parking spaces.

N. 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 occupancy for the short term rental unit until the applicant presents such confirmation of registration.

O. If the special exception is granted, the applicant shall make application to the Township for a change in occupancy under the Uniform Construction Code and shall make all changes to the structure to reflect the change in occupancy including, but not limited to, installation of sprinklers where required. The Zoning Officer shall not issue a certificate of occupancy under the Zoning Ordinance for the short term rental unit until the applicant presents such confirmation that all changes to the structure required by the Uniform Construction Code for the change in the occupancy have been completed.

P. 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 occupants of the rules regarding short term rental units and responding when notified that occupants are violation laws regarding their occupancy.

Q. The owner shall, upon notification that the 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 or littering, promptly use his/her best effort to prevent recurrence of such conduct by those occupants or guests.

R. The owner of the short term rental unit shall pay a fee to defray the cost of response by the Zoning Officer if the Zoning Officer has to respond to a complaint that the 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 or littering and determines that the activity alleged in the complaint occurred at the short term rental unit. The Zoning Officer shall forward a report of the Zoning Officer's investigation to the owner of the short term rental unit and the Board of Supervisors. Such report shall also include the time the Zoning Officer was required to devote to the complaint. The Township shall bill the owner of the short term rental unit for the time incurred in accordance with the then-current hourly rate for services of the Zoning Officer. Notwithstanding the foregoing, a response by police or emergency services which falls within the protection of Act 200 of 2014 shall not be considered a complaint for which an owner is subject to a fee.

S. The short term rental unit shall be inspected by the Zoning Officer prior to the issuance of a permit to verify compliance with the requirements of this Ordinance. The short term rental unit shall be inspected every three (3) years commencing on the date of initial short term rental permit prior to the yearly permit issuance.

T. The owner of the short-term rental shall submit an application each year for a permit to authorize continued operation of the short-term rental, 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 that the short-term rental meets all requirements of this Section 619. 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. The failure to obtain a permit within 60 days of the expiration date of such permit shall require the owner to reapply to the Zoning Hearing Board obtain special exception approval for the continued operation of a short term rental unit. The operation of the short term rental unit without the required annual permit is a violation of this Ordinance.

Section 2. All other sections, parts and provisions of the Zoning Ordinance of Martic Township shall remain in full force and effect as previously enacted and amended.

Section 3. 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 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Martic as provided by law.

DULY ORDAINED AND ENACTED this 5th day of September, 2023, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest: Karen D Sellers
(Assistant) Secretary

By: P. Seel
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

